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HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

| | |
|--|--------------|
| SMITHSONIAN INSTITUTION—Presidential proclamation on 125th anniversary..... | 19061 |
| MEMORIAM—Presidential Executive order honoring former Associate Justice Hugo L. Black..... | 19063 |
| PRODUCE INSPECTION—USDA amendment regarding current policy on holiday rates; effective 10-1-71 | 19065 |
| CHILD NUTRITION—USDA lists of fund apportionments for the States under certain Federal programs (5 documents)..... | 19065, 19066 |
| SUGARBEETS—USDA price determinations for 1971 crop; effective 9-28-71..... | 19067 |
| PUBLIC INFORMATION—REA announcement of availability of certain bulletins..... | 19069 |
| HEARINGS/CONFERENCES—SEC amendment to rules of practice..... | 19077 |
| HERBICIDE—EPA establishment of tolerances; effective 9-28-71..... | 19079 |
| MIGRATORY BIRDS—Interior Dept. amendments to hunting regulations; effective 9-28-71..... | 19079 |
| HELICOPTERS—FAA proposal to amend definition of "extended over-water operation"; comments by 12-27-71..... | 19091 |
| COMMODITY FUTURES TRADING—USDA proposal to impose requirements for recording orders; comments within 30 days..... | 19081 |
| APPRAISEMENT—Bur. of Customs proposal on prior release of advisory value information; comments within 30 days..... | 19081 |

(Continued inside)

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HIGHLIGHTS—Continued

| | | | |
|---|--------------|--|-------|
| OCCUPATIONAL SAFETY AND HEALTH—Labor Dept. proposals for light residential construction; comments within 30 days..... | 19083 | MODERN ADVERTISING PRACTICES—FTC an- nouncement of additional public hearings to ex- plore impact on consumers..... | 19100 |
| PREPAID MEDICAL SERVICES—HEW proposal on issuance of contracts by certain insurance carriers; comments by 10-28-71..... | 19089 | RENEGOTIATION BOARD—Proposal regarding waiver of exemption; comments within 30 days.... | 19093 |
| OPERATING-DIFFERENTIAL SUBSIDY—Com- merce Dept. proposal on changes in information and procedure requirements; comments by 10-29-71 | 19081 | SMALL BUSINESS—SBA postponement of hear- ing and extension of time for comment from 9-30-71 on food service size standard..... | 19093 |
| FEES—FMC extension of time for comments to 11-1-71 on proposed cost basis for determin- ing charges..... | 19092 | ANTIDUMPING—Customs Bur. notice initiating investigation on instant potato granules from Canada | 19095 |
| PUBLIC LANDS—Interior Dept. order opening lands in Arizona..... | 19095 | MAIL ORDER COMMERCE—FTC proposed regu- lations on undelivered merchandise or services; comments by 1-17-72..... | 19092 |
| VETERINARY DRUGS— FDA conclusions based on NAS/NRC studies on tetracycline with vitamins..... | 19097 | FOOD ADDITIVES— FDA amendments on antioxidants/stabilizers, and sanitizing solutions (2 documents); effec- tive 9-28-71..... | 19078 |
| FDA notice of petition on formic acid..... | 19097 | FDA proposed statement of policy on change in status of GRAS, food additive, or prior sanc- tioned substances; comments within 30 days.. | 19089 |
| FDA withdrawal of approval (2 documents); effective 9-28-71..... | 19096, 19097 | | |
| FDA revocation of certain uses of cadmium oxide | 19078 | | |

Contents

THE PRESIDENT

| | |
|---|-------|
| PROCLAMATION 125th Anniversary of the Smith- sonian Institution..... | 19061 |
| EXECUTIVE ORDER The Honorable Hugo L. Black..... | 19063 |

EXECUTIVE AGENCIES

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

| | |
|--|-------|
| Rules and Regulations Sugarbeets; fair and reasonable prices for 1971 crop..... | 19067 |
|--|-------|

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and
Conservation Service; Commod-
ity Exchange Authority; Con-
sumer and Marketing Service;
Food and Nutrition Service;
Rural Electrification Adminis-
tration.

ATOMIC ENERGY COMMISSION

| | |
|--|-------|
| Notices Long Island Lighting Co.; sched- ule for hearing..... | 19097 |
|--|-------|

ARMY DEPARTMENT

See Engineers Corps.

CIVIL AERONAUTICS BOARD

| | |
|---|-------|
| Notices Hearings, etc.: Condor Flugdienst, GmbH..... | 19097 |
| Eastern Air Lines, Inc..... | 19098 |

COMMERCE DEPARTMENT

See also International Commerce
Bureau; Maritime Administra-
tion.

| | |
|---|-------|
| Notices Public information; compulsory progress requesting documents or testimony | 19096 |
|---|-------|

COMMODITY EXCHANGE AUTHORITY

| | |
|--|-------|
| Proposed Rule Making General regulations under the Commodity Exchange Act; rec- ordkeeping | 19081 |
|--|-------|

CONSUMER AND MARKETING SERVICE

| | |
|--|-------|
| Rules and Regulations Fresh fruits, vegetables and other products; basis for charges..... | 19065 |
|--|-------|

CUSTOMS BUREAU

| | |
|--|-------|
| Proposed Rule Making Appraisal; furnishing infor- mation of value..... | 19081 |
| Notices Japanese yen; rates of exchange... Instant potato granules from Can- ada; antidumping proceeding notice | 19095 |

DEFENSE DEPARTMENT

See Engineers Corps.

ENGINEERS CORPS

| | |
|--|-------|
| Rules and Regulations Bering Sea, Alaska; danger zone regulations | 19079 |
|--|-------|

(Continued on next page)

MARITIME ADMINISTRATION

Proposed Rule Making

Operating-differential subsidy
agreement; information and
procedure required----- 19081

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Proposed Rule Making

Safety and health regulations for construction ----- 19083

PUBLIC HEALTH SERVICE

Proposed Rule Making
Prepaid medical service plans;
issuance of prepaid medical
service contracts by carriers.--- 19080

RENEGOTIATION BOARD

Proposed Rule Making

Mandatory exemption of contracts
and subcontracts for standard
commercial articles or services;
waiver of exemption----- 10093

RURAL ELECTRIFICATION ADMINISTRATION

Rules and Regulations
Public information; REA bul-
letins ----- 19069

SECURITIES AND EXCHANGE
COMMISSION

Rules and Regulations

Rules of practice; settlements,
agreements, and conferences--- 19077

Notices

Hearings, etc.:

| | |
|---------------------------------|-------|
| Allegheny Power System, Inc.--- | 19101 |
| United Benefit Life Insurance | |
| Co. and United Benefit Vari- | |
| able Funds B.----- | 19100 |

SMALL BUSINESS ADMINISTRATION

Proposed Rule Making

Definition of small business for
purpose of Government pro-
curement of food services; post-
ponement of hearing and exten-
sion of time for comment----- 19093

Notices

Declaration of disaster loan areas:
 Louisiana ----- 19101
 Pennsylvania ----- 19102

TRANSPORTATION DEPARTMENT

See Federal Aviation Adminis-
tration.

Arizona; order providing for opening of lands----- 19095

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

3 CFR

PROCLAMATION:

4084..... 19061

EXECUTIVE ORDER:

11620..... 19063

7 CFR

51..... 19065

210 (2 documents)..... 19065

220 (2 documents)..... 19066

225..... 19066

871..... 19067

1700..... 19069

13 CFR

PROPOSED RULES:

121..... 19093

14 CFR

39 (2 documents)..... 19075

71 (3 documents)..... 19076, 19077

73..... 19077

PROPOSED RULES:

1..... 19091

71..... 19092

16 CFR

PROPOSED RULES:

435..... 19092

17 CFR

201..... 19077

PROPOSED RULES:

1..... 19081

19 CFR

PROPOSED RULES:

14..... 19081

21 CFR

121 (2 documents)..... 19077, 19078

144..... 19078

420..... 19079

PROPOSED RULES:

121..... 19089

29 CFR

PROPOSED RULES:

1518..... 19083

1910..... 19083

32 CFR

PROPOSED RULES:

1467..... 19093

33 CFR

204..... 19079

42 CFR

PROPOSED RULES:

75..... 19089

46 CFR

PROPOSED RULES:

281..... 19081

543..... 19092

50 CFR

10..... 19079

32..... 19080

Presidential Documents

Title 3—The President

PROCLAMATION 4084

125th Anniversary of the Smithsonian Institution

By the President of the United States of America

A Proclamation

Since 1846, the Smithsonian Institution has admirably fulfilled the stipulations of John Smithson's bequest—"to found * * * an establishment for the increase and diffusion of knowledge among men." The Smithsonian has pioneered and promoted this country's activities in fields as diverse as meteorology and art collecting, anthropology and aeronautics, ecology and educational experimentation. In the best American tradition it has served as a mecca of hospitality to the scientists and scholars of the world.

As a tribute to the Smithsonian Institution, the Congress, by House Joint Resolution 782, has authorized and requested the President to issue a proclamation announcing the celebration of the one hundred and twenty-fifth anniversary of the Institution and designating September 26, 1971, as a special day to honor its scientific and cultural achievements.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Sunday, September 26, 1971, as a special day to honor the scientific and cultural achievements of the Smithsonian Institution.

IN WITNESS WHEREOF, I have hereunto set my hand on this twenty-fourth day of September, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.



[FR Doc.71-14355 Filed 9-27-71; 10:01 am]

EXECUTIVE ORDER 11620

The Honorable Hugo L. Black

As a mark of respect to the memory of the Honorable Hugo L. Black, former Associate Justice of the United States, it is hereby ordered, pursuant to the provisions of Section 4 of Proclamation 3044 of March 1, 1954, as amended, that until interment the flag of the United States shall be flown at half-staff on all buildings, grounds and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

THE WHITE HOUSE,
September 25, 1971.



[FR Doc.71-14338 Filed 9-27-71;11:13 am]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspection, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—Regulations¹

BASIS FOR CHARGES

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of fresh fruits and vegetables and other products.² Such inspection and certification is voluntary and is made available only upon request of financially interested parties and upon payment of a fee to cover the cost of the service.

STATEMENT OF CONSIDERATIONS LEADING TO AMENDMENT OF REGULATIONS

It is the policy of the Consumer and Marketing Service to bill applicants at the holiday rate for inspections performed at their request only on the nine public holidays specified in title 5, U.S.C., section 6103(a). However, the current regulations do not adequately reflect this policy. This amendment, by specific reference to holidays listed in title 5, U.S.C., section 6103(a), brings the regulations in line with established C&MS policy. Certain other changes in wording of paragraph (e) of § 51.38 are made in the interest of clarity.

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.), paragraph (e) of § 51.38 *Basis for charges* of the subpart—regulations governing inspection, certification and standards for fresh fruits, vegetables, and other products is hereby amended to read as follows:

§ 51.38 Basis for charges.

(e) Whenever inspections are performed at the request of the applicant during periods which are outside the inspector's regular scheduled workweek, a charge for overtime or holiday work shall be made at the rate of \$4 per hour or portion thereof in addition to the

¹ None of the requirements in the regulations of this subpart shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this subpart.

² Among such other products are the following: Raw nuts, Christmas trees, and evergreens; flowers and flower bulbs; and onion sets.

regular commercial lot or hourly fees specified in this subpart. Holidays are those specified in title 5, U.S.C., section 6103(a).

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: September 22, 1971, to become effective at 12:01 a.m., October 1, 1971.

G. R. GRANGE,
Deputy Administrator, Market-
ing Services, Consumer and
Marketing Service.

[FR Doc.71-14241 Filed 9-27-71;8:47 am]

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Apportionment of Food Assistance Funds Pursuant to National School Lunch Act Fiscal Year 1972

Pursuant to section 11 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1972, are apportioned among the States as follows:

| State | Total apportionment | State agency | Withheld for private schools |
|---------------------------|---------------------|--------------|------------------------------|
| Alabama..... | \$8,725,620 | \$8,633,715 | \$71,811 |
| Alaska..... | 228,183 | 228,183 | ..... |
| Arizona..... | 1,882,270 | 1,882,270 | ..... |
| Arkansas..... | 5,279,043 | 5,204,144 | 74,899 |
| California..... | 11,562,472 | 11,562,472 | ..... |
| Colorado..... | 1,900,971 | 1,756,129 | 144,841 |
| Connecticut..... | 1,257,540 | 1,257,540 | ..... |
| Delaware..... | 407,377 | 407,377 | ..... |
| District of Columbia..... | 871,850 | 871,850 | ..... |
| Florida..... | 7,707,327 | 7,707,327 | ..... |
| Georgia..... | 9,639,669 | 9,639,669 | ..... |
| Guam..... | 167,449 | 167,449 | ..... |
| Hawaii..... | 648,418 | 499,224 | 149,194 |
| Idaho..... | 819,997 | 758,570 | 61,427 |
| Illinois..... | 7,817,035 | 7,817,035 | ..... |
| Indiana..... | 4,438,662 | 4,438,662 | ..... |
| Iowa..... | 3,630,229 | 3,194,630 | 435,599 |
| Kansas..... | 2,416,889 | 2,416,889 | ..... |
| Kentucky..... | 7,037,789 | 7,037,789 | ..... |
| Louisiana..... | 7,991,735 | 7,991,735 | ..... |
| Maine..... | 1,353,629 | 1,145,417 | 213,112 |
| Maryland..... | 3,023,784 | 3,023,784 | ..... |
| Massachusetts..... | 3,291,334 | 3,291,334 | ..... |
| Michigan..... | 6,537,828 | 6,183,674 | 354,154 |
| Minnesota..... | 4,028,219 | 4,028,219 | ..... |
| Mississippi..... | 7,771,234 | 7,771,234 | ..... |
| Missouri..... | 5,834,845 | 5,834,845 | ..... |
| Montana..... | 817,421 | 689,389 | 128,031 |
| Nebraska..... | 2,021,830 | 1,691,414 | 330,416 |
| Nevada..... | 192,732 | 191,421 | 1,311 |
| New Hampshire..... | 457,334 | 457,334 | ..... |
| New Jersey..... | 3,577,058 | 3,101,215 | 475,843 |
| New Mexico..... | 1,789,668 | 1,789,668 | ..... |
| New York..... | 12,537,193 | 12,537,193 | ..... |
| North Carolina..... | 12,451,196 | 12,451,196 | ..... |
| North Dakota..... | 1,224,622 | 929,869 | 294,753 |
| Ohio..... | 8,036,729 | 7,233,623 | 803,106 |
| Oklahoma..... | 3,025,046 | 3,025,046 | ..... |
| Oregon..... | 1,334,989 | 1,334,989 | ..... |
| Pennsylvania..... | 10,738,251 | 7,882,311 | 2,855,940 |
| Puerto Rico..... | 6,891,039 | 6,891,039 | ..... |
| Rhode Island..... | 778,815 | 778,815 | ..... |
| South Carolina..... | 7,230,622 | 7,230,622 | ..... |
| South Dakota..... | 1,358,091 | 1,358,091 | ..... |
| Tennessee..... | 8,600,860 | 8,540,431 | 60,429 |
| Texas..... | 18,058,888 | 17,477,211 | 581,677 |

| State | Total apportionment | State agency | Withheld for private schools |
|----------------------|---------------------|--------------|------------------------------|
| Utah..... | 746,509 | 746,509 | ..... |
| Vermont..... | 546,051 | 546,051 | ..... |
| Virginia..... | 7,333,261 | 7,333,261 | 34,121 |
| Virgin Islands..... | 77,536 | 77,536 | ..... |
| Washington..... | 2,047,301 | 1,639,249 | 408,051 |
| West Virginia..... | 3,872,729 | 3,815,132 | 57,597 |
| Wisconsin..... | 3,523,139 | 2,766,026 | 757,113 |
| Wyoming..... | 320,536 | 320,536 | ..... |
| Samoa, American..... | 63,347 | 63,347 | ..... |
| Total..... | 237,047,000 | 229,016,963 | 8,030,037 |

(Secs. 2-12, 60 Stat. 230, as amended; 42 U.S.C. 1751-1760)

Dated: September 21, 1971.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.71-14201 Filed 9-27-71;8:45 am]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Apportionment of Food Assistance Funds Pursuant to National School Lunch Act, Fiscal Year 1972

Pursuant to section 4 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1972, are apportioned among the States as follows:

| State | Total apportionment | State agency | Withheld for private schools |
|---------------------------|---------------------|--------------|------------------------------|
| Alabama..... | \$7,149,436 | \$6,999,114 | \$141,332 |
| Alaska..... | 228,183 | 228,183 | ..... |
| Arizona..... | 2,047,169 | 2,047,169 | ..... |
| Arkansas..... | 4,633,333 | 4,633,333 | ..... |
| California..... | 8,421,479 | 8,421,479 | ..... |
| Colorado..... | 2,413,212 | 2,413,212 | 119,638 |
| Connecticut..... | 1,634,619 | 1,634,619 | ..... |
| Delaware..... | 617,667 | 617,667 | ..... |
| District of Columbia..... | 420,194 | 420,194 | ..... |
| Florida..... | 8,803,617 | 8,803,617 | ..... |
| Georgia..... | 9,792,918 | 9,792,918 | ..... |
| Guam..... | 223,883 | 223,883 | ..... |
| Hawaii..... | 1,333,432 | 1,269,776 | 63,656 |
| Idaho..... | 1,067,466 | 981,602 | 85,864 |
| Illinois..... | 7,472,863 | 7,472,863 | ..... |
| Indiana..... | 6,069,445 | 6,069,445 | ..... |
| Iowa..... | 4,232,663 | 3,667,677 | 564,986 |
| Kansas..... | 2,436,249 | 2,436,249 | ..... |
| Kentucky..... | 6,183,333 | 6,183,333 | ..... |
| Louisiana..... | 8,776,949 | 8,776,949 | ..... |
| Maine..... | 1,234,121 | 1,188,632 | 45,489 |
| Maryland..... | 3,165,418 | 3,165,418 | ..... |
| Massachusetts..... | 3,324,333 | 3,324,333 | ..... |
| Michigan..... | 5,603,761 | 5,231,296 | 372,465 |
| Minnesota..... | 4,337,662 | 4,337,662 | ..... |
| Mississippi..... | 5,824,631 | 5,824,631 | ..... |
| Missouri..... | 5,678,211 | 5,678,211 | ..... |
| Montana..... | 717,360 | 634,165 | 83,195 |
| Nebraska..... | 1,604,162 | 1,678,164 | 226,028 |
| Nevada..... | 201,421 | 201,421 | ..... |
| New Hampshire..... | 719,333 | 719,333 | ..... |
| New Jersey..... | 3,193,663 | 2,918,735 | 274,928 |
| New Mexico..... | 1,823,189 | 1,823,189 | ..... |
| New York..... | 14,219,633 | 14,219,633 | ..... |
| North Carolina..... | 9,977,231 | 9,977,231 | ..... |
| North Dakota..... | 1,137,621 | 1,034,327 | 103,294 |
| Ohio..... | 8,821,673 | 8,190,675 | 630,998 |
| Oklahoma..... | 3,254,449 | 3,254,449 | ..... |
| Oregon..... | 2,123,260 | 2,123,260 | ..... |
| Pennsylvania..... | 9,153,861 | 8,315,739 | 838,122 |

RULES AND REGULATIONS

| State | Total apportionment | State agency | Withheld for private schools |
|-----------------|---------------------|--------------|------------------------------|
| Puerto Rico | 5,963,220 | 5,963,220 | |
| Rhode Island | 434,217 | 434,217 | |
| South Carolina | 6,274,019 | 6,230,367 | 44,552 |
| South Dakota | 903,748 | 903,748 | |
| Tennessee | 6,893,267 | 6,719,068 | 89,189 |
| Texas | 11,282,649 | 10,964,477 | 318,172 |
| Utah | 2,050,161 | 2,050,161 | |
| Vermont | 436,985 | 436,985 | |
| Virginia | 6,719,015 | 6,655,185 | 63,831 |
| Virgin Islands | 233,524 | 233,524 | |
| Washington | 2,832,099 | 2,791,033 | 41,066 |
| West Virginia | 2,664,416 | 2,618,321 | 46,095 |
| Wisconsin | 4,397,302 | 3,716,599 | 680,703 |
| Wyoming | 398,237 | 398,237 | |
| Samoa, American | 127,585 | 127,585 | |
| Total | 225,018,000 | 220,176,210 | 4,841,790 |

(Secs. 2-12, 60 Stat. 230, as amended; 42 U.S.C. 1751-1760)

Dated: September 21, 1971.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.71-14202 Filed 9-27-71; 8:45 am]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Appendix—Apportionment of Nonfood Assistance Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1972

Pursuant to section 5 of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 887, nonfood assistance funds available for the fiscal year ending June 30, 1972, are apportioned among the States as follows:

| State | Total apportionment | State agency | Withheld for private schools |
|----------------------|---------------------|--------------|------------------------------|
| Alabama | \$266,764 | \$250,890 | \$15,874 |
| Alaska | 28,700 | 28,700 | |
| Arizona | 127,275 | 127,275 | |
| Arkansas | 148,472 | 143,122 | 5,350 |
| California | 1,115,355 | 1,115,355 | |
| Colorado | 163,397 | 134,515 | 18,882 |
| Connecticut | 346,797 | 346,797 | |
| Delaware | 39,446 | 39,446 | |
| District of Columbia | 84,282 | 84,282 | |
| Florida | 448,553 | 448,553 | |
| Georgia | 372,386 | 372,386 | |
| Guam | 8,018 | 8,018 | |
| Hawaii | 61,938 | 45,453 | 16,485 |
| Idaho | 50,905 | 52,131 | 4,774 |
| Illinois | 708,954 | 708,954 | |
| Indiana | 375,931 | 375,931 | |
| Iowa | 224,801 | 109,189 | 31,612 |
| Kansas | 178,017 | 178,017 | |
| Kentucky | 238,725 | 238,725 | |
| Louisiana | 324,884 | 324,884 | |
| Maine | 127,942 | 107,567 | 20,375 |
| Maryland | 183,089 | 183,089 | |
| Massachusetts | 823,599 | 823,599 | |
| Michigan | 993,616 | 813,341 | 150,175 |
| Minnesota | 286,540 | 286,540 | |
| Mississippi | 247,508 | 247,508 | |
| Missouri | 261,293 | 261,293 | |
| Montana | 94,744 | 83,850 | 10,894 |
| Nebraska | 138,782 | 118,899 | 19,883 |
| Nevada | 57,069 | 51,477 | 5,592 |
| New Hampshire | 76,636 | 76,636 | |
| New Jersey | 948,102 | 692,410 | 255,782 |
| New Mexico | 79,188 | 79,188 | |
| New York | 1,224,269 | 1,224,269 | |
| North Carolina | 370,968 | 370,968 | |
| North Dakota | 51,533 | 47,603 | 3,930 |
| Ohio | 787,936 | 629,892 | 158,074 |
| Oklahoma | 150,016 | 150,016 | |
| Oregon | 121,263 | 121,263 | |

| State | Total apportionment | State agency | Withheld for private schools |
|-----------------|---------------------|--------------|------------------------------|
| Pennsylvania | 1,241,706 | 783,509 | 453,197 |
| Puerto Rico | 263,851 | 263,851 | |
| Rhode Island | 90,087 | 90,087 | |
| South Carolina | 242,222 | 223,029 | 19,193 |
| South Dakota | 73,282 | 73,282 | |
| Tennessee | 250,168 | 245,964 | 14,204 |
| Texas | 502,266 | 461,560 | 40,706 |
| Utah | 89,512 | 89,512 | |
| Vermont | 30,749 | 30,749 | |
| Virginia | 267,567 | 238,134 | 28,933 |
| Virgin Islands | 11,133 | 11,133 | |
| Washington | 165,442 | 112,817 | 52,625 |
| West Virginia | 137,782 | 125,541 | 12,241 |
| Wisconsin | 335,463 | 305,085 | 90,384 |
| Wyoming | 30,594 | 30,594 | |
| Samoa, American | 4,567 | 4,567 | |
| Total | 16,110,000 | 14,675,835 | 1,434,165 |

(Secs. 2, 5, 6, and 8 through 16, 80 Stat. 885-890; U.S.C. 1771, 1774, 1775, 1777-1785)

Dated: September 21, 1971.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.71-14203 Filed 9-27-71; 8:45 am]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Appendix—Apportionment of School Breakfast Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1972

Pursuant to section 4 of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 886, food assistance funds available for the fiscal year ending June 30, 1972, are apportioned among the States as follows:

| State | Total apportionment | State agency | Withheld for private schools |
|----------------------|---------------------|--------------|------------------------------|
| Alabama | \$553,126 | \$543,162 | \$9,964 |
| Alaska | 69,051 | 69,051 | |
| Arizona | 194,246 | 194,246 | |
| Arkansas | 334,337 | 328,849 | 5,483 |
| California | 643,386 | 643,386 | |
| Colorado | 223,539 | 215,105 | 8,434 |
| Connecticut | 187,725 | 187,725 | |
| Delaware | 93,479 | 93,479 | |
| District of Columbia | 81,722 | 81,722 | |
| Florida | 674,919 | 674,919 | |
| Georgia | 740,020 | 740,020 | |
| Guam | 30,782 | 30,782 | |
| Hawaii | 144,099 | 139,467 | 4,632 |
| Idaho | 120,983 | 119,155 | 1,833 |
| Illinois | 576,541 | 576,541 | |
| Indiana | 472,938 | 472,938 | |
| Iowa | 354,539 | 325,291 | 29,239 |
| Kansas | 229,115 | 229,115 | |
| Kentucky | 486,110 | 486,110 | |
| Louisiana | 668,432 | 668,432 | |
| Maine | 141,185 | 133,763 | 7,432 |
| Maryland | 273,039 | 273,039 | |
| Massachusetts | 425,172 | 425,172 | |
| Michigan | 444,067 | 418,601 | 25,385 |
| Minnesota | 426,192 | 426,192 | |
| Mississippi | 462,523 | 462,523 | |
| Missouri | 443,049 | 443,049 | |
| Montana | 100,547 | 93,207 | 7,340 |
| Nebraska | 184,172 | 163,244 | 15,923 |
| Nevada | 64,196 | 64,174 | 22 |
| New Hampshire | 102,813 | 102,813 | |
| New Jersey | 275,403 | 255,657 | 19,746 |
| New Mexico | 178,606 | 178,606 | |
| New York | 1,054,066 | 1,054,066 | |
| North Carolina | 753,005 | 753,005 | |
| North Dakota | 130,150 | 122,880 | 7,270 |
| Ohio | 671,790 | 620,741 | 51,049 |
| Oklahoma | 280,017 | 280,017 | |

| State | Total apportionment | State agency | Withheld for private schools |
|-----------------|---------------------|--------------|------------------------------|
| Oregon | 199,614 | 199,614 | |
| Pennsylvania | 697,168 | 638,119 | 69,053 |
| Puerto Rico | 470,527 | 470,527 | |
| Rhode Island | 89,596 | 89,596 | |
| South Carolina | 492,137 | 458,997 | 3,140 |
| South Dakota | 114,101 | 114,101 | |
| Tennessee | 529,717 | 523,432 | 6,285 |
| Texas | 844,983 | 822,069 | 22,419 |
| Utah | 194,467 | 194,467 | |
| Vermont | 89,701 | 89,701 | |
| Virginia | 523,424 | 518,029 | 4,493 |
| Virgin Islands | 31,453 | 31,453 | |
| Washington | 219,533 | 210,638 | 8,895 |
| West Virginia | 237,737 | 231,457 | 6,280 |
| Wisconsin | 359,439 | 311,874 | 47,565 |
| Wyoming | 78,061 | 78,061 | |
| Samoa, American | 23,939 | 23,939 | |
| Total | 18,500,000 | 18,168,821 | 331,179 |

(Secs. 2, 4, 6, and 8 through 16, 80 Stat. 885-890; 42 U.S.C. 1771, 1773, 1775, 1777-1785)

Dated: September 21, 1971.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.71-14204 Filed 9-27-71; 8:45 am]

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Appendix—Apportionment of Food Assistance and Nonfood Assistance Funds Pursuant to National School Lunch Act for Fiscal Year 1972

Pursuant to section 13, of the National School Lunch Act, as amended, food assistance and Nonfood Assistance funds available for the fiscal year ending June 30, 1972, are apportioned among the States as follows:

| State | Total apportionment |
|----------------------|---------------------|
| Alabama | \$816,003 |
| Alaska | 68,526 |
| Arizona | 195,570 |
| Arkansas | 522,579 |
| California | 863,437 |
| Colorado | 182,941 |
| Connecticut | 132,957 |
| Delaware | 78,963 |
| District of Columbia | 112,253 |
| Florida | 620,209 |
| Georgia | 885,483 |
| Guam | 9,462 |
| Hawaii | 87,934 |
| Idaho | 103,174 |
| Illinois | 627,090 |
| Indiana | 347,392 |
| Iowa | 318,165 |
| Kansas | 213,137 |
| Kentucky | 665,438 |
| Louisiana | 736,524 |
| Maine | 134,006 |
| Maryland | 269,011 |
| Massachusetts | 248,512 |
| Michigan | 530,133 |
| Minnesota | 343,488 |
| Mississippi | 795,224 |
| Missouri | 505,038 |
| Montana | 105,811 |
| Nebraska | 190,481 |
| Nevada | 62,584 |
| New Hampshire | 77,607 |
| New Jersey | 280,850 |
| New Mexico | 190,414 |
| New York | 887,887 |
| North Carolina | 1,116,064 |

| State | Total Apportionment |
|----------------------|---------------------|
| North Dakota----- | 138,310 |
| Ohio----- | 629,820 |
| Oklahoma----- | 357,641 |
| Oregon----- | 143,790 |
| Pennsylvania----- | 767,827 |
| Puerto Rico----- | 384,300 |
| Rhode Island----- | 99,587 |
| South Carolina----- | 701,090 |
| South Dakota----- | 155,445 |
| Tennessee----- | 784,560 |
| Texas----- | 1,492,708 |
| Utah----- | 98,559 |
| Vermont----- | 84,082 |
| Virginia----- | 648,937 |
| Washington----- | 189,961 |
| West Virginia----- | 380,947 |
| Wisconsin----- | 293,621 |
| Wyoming----- | 71,680 |
| Virgin Islands----- | 4,382 |
| Samoa, American----- | 3,693 |
| Trust Territory----- | 13,663 |
| Total----- | 20,775,000 |

(Sec. 13, 82 Stat. 117; 42 U.S.C. 1761)

Dated: September 21, 1971.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.71-14205 Filed 9-27-71;8:45 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

PART 871—SUGAR BEETS

Fair and Reasonable Prices for 1971 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, due notice of public hearings, and consideration of evidence presented at hearings held during December 1970, the following determination is hereby issued. The regulations previously appearing in these sections under "Determination of Prices; Sugar beets" remain in full force and effect as to the crops to which they were applicable.

Sec.

- 871.24 General requirements.
- 871.25 Purchase agreements.
- 871.26 Reporting requirements.
- 871.27 Applicability.
- 871.28 Subterfuge.

AUTHORITY: Secs. 871.24 to 871.28 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 871.24 General requirements.

A producer of sugar beets who is also a processor of sugar beets (herein referred to as "processor") shall have paid, or contracted to pay for all sugar beets of the 1971 crop grown by other producers and processed by him, in accordance with the following requirements:

§ 871.25 Purchase agreements.

(a) The price for all 1971 crop sugar beets delivered by a producer and processed by a processor, shall be not less than that required to be paid pursuant to the 1971 crop sugar beet purchase contract between the processor and the pro-

ducer, subject to the provisions of paragraphs (b), (c), and (d) of this section.

(b) If the processor, in determining the net proceeds pursuant to the contract, makes a deduction from the gross sales price of sugar for factory-site bulk sugar storage facilities owned by the processor, or for factory-site bulk pulp storage facilities owned by the processor in those districts where producers share directly in the total net returns from the sales of sugar, pulp, and molasses, such deduction shall be limited to amortization of such facilities, including improvements, over a reasonable period, interest at prevailing rates on the unrecovered cost, taxes, insurance, maintenance, and operating costs properly applicable thereto. After the costs of the facilities, including improvements, have been fully recovered such deductions shall be limited to taxes, insurance, maintenance, and operating costs properly applicable thereto: *Provided*, That if there is an agreement between the processor and producers such deductions for factory-site storage facilities owned by the processor shall be as agreed upon if less than that provided above.

(c)(1) In factory districts using a scale-type sugar beet purchase contract where the processor has constructed tanks for the storage of concentrated juice, has stored such juice for a period of not less than 30 days after the end of the slicing campaign and has processed such juice into granulated sugar, and there is agreement between the processor and producers for the processor to make a charge for the storage of concentrated juice, a charge representing the additional costs incurred as a result of factory clean-up and start-up in connection with the juice processing campaign may be deducted from the gross sales price of sugar: *Provided*, That such charge shall not exceed 2 cents per month (based on the length of time such juice is stored between the end of the slicing campaign and the startup of the juice processing campaign, such period not to exceed 6 months) per 100 pounds granulated sugar equivalent of the juice so stored.

(2) In those factory districts in Michigan and Ohio using a percentage-type sugar beet purchase contract, wherein growers share with the processor in factory extraction efficiency, and where the processor has constructed and is operating tanks for the storage of concentrated juice, a deduction from the gross sales price of sugar and byproducts may be made for the amortization of such tanks as provided in the processor's 1971-crop sugar beet purchase contract.

(d) In determining the net proceeds pursuant to the contract, the gross sales price per 100 pounds to be applicable to sugar sold to an affiliate company or other affiliate business entity, or to sugar used by the processor during the settlement period, shall be not less than the weighted average quoted basis price, less customary allowance, and plus appropriate prepaids and package differentials which would have been applicable to such sugar had it been marketed to non-affiliated purchasers.

§ 871.26 Reporting requirements.

The processor shall submit to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the close of the sales period specified in the sugar-beet purchase contract, an itemized statement for each settlement district, certified by an independent accountant, showing the computation of "net proceeds" or "net returns" as provided in such contract, such statement to be in substantially the form as that contained in Schedule A attached hereto and made a part hereof: *Provided*, That, if the processor markets sugar to an affiliate company or other affiliate business entity or if the processor uses any beet sugar, the weighted average gross sales price for each category, the marketing expenses applicable to each, and the net proceeds derived therefrom shall be reported in substantially the form shown on Schedule A-1 attached hereto and made a part hereof, to supplement the information submitted in accordance with Schedule A: *Provided further*, That, if the processor in determining net proceeds makes a deduction for factory-site bulk sugar, bulk pulp or concentrated juice storage facilities owned by the processor, the total cost of such facilities, including improvements, the amount of the deduction and the expenses used in determining such deduction shall be reported in substantially the form shown on Schedule A-2 attached hereto and made a part hereof, to supplement the information submitted in accordance with Schedule A.

§ 871.27 Applicability.

The requirements of this part are applicable to all sugar beets purchased from other producers and processed by a processor who produces sugar beets (a processor-producer is defined in § 821.1 of this chapter).

§ 871.28 Subterfuge.

The processor shall not reduce returns to producers below those determined in accordance with the requirements of this part through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the Act, by a producer who processes sugar beets of the 1971 crop grown by other producers.

Requirements of the act. Section 301 (c)(2) of the Act provides that the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets, or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after

investigation and due notice and opportunity for public hearings.

1971 crop fair price determination. This determination provides that a processor shall be deemed to have complied with the fair price provisions of the Act if he has paid, or contracted to pay, prices for all sugar beets processed that are not less than those determined pursuant to the applicable 1971 crop purchase contract with producers. The provisions of the 1970 crop determination are continued unchanged, except that the processor in determining net proceeds is permitted to make a deduction for the cost of constructing or operating tanks for the storage of concentrated juice if the processor has stored such juice and provision for such deduction has been agreed upon.

At the public hearing held in Richland, Wash., a representative of the National Sugar Beet Growers Federation recommended that the same sharing relationship which presently exists between growers and processors in the proceeds from sugar at increments of net returns below \$8.50 per hundredweight, be extended to increments above the \$8.50 level; that where growers participate in freight costs on beets, the processor be required to share in additional freight costs on an equitable basis above a reasonable freight absorption level for which the company is and always has been responsible; and that the Department reverse its decision affirming the fairness of processors making a charge to net returns for thick juice storage, or at least rule that any charge must be negotiated and agreed to by both parties and written into the beet purchase contract. He testified that the growers' economic position has deteriorated since the Department issued the 1966-1967 fair price determination; that the costs of growers and processors have increased in a similar degree since that time; and that the lower share received by growers at the higher net return levels that are now obtained places an additional squeeze on the growers' tight profit position. He also said that growers' costs of delivery of beets to factories and receiving stations continue to increase just as freight rates on beets are increasing, and it is unreasonable for the processor to ask growers to absorb all increases above the basic freight absorption of the processor. He further stated that there have been no savings in storage charges as a result of the use of thick juice tanks.

Four of the larger beet sugar companies submitted supplemental briefs recommending no change in the sharing relationship between the grower and processor at net return levels above \$8.50; continued approval of the freight rate participation agreed upon in the prior year; and continued approval of the method of making deductions for the use of thick juice storage in calculating net returns. They stated that growers have benefited from greater productivity in recent years due to increased use of chemicals, pesticides, and mechanization, while any processor gains have been more than offset by the increase in the costs of labor and materials to refine the

crop, compounded by a serious decline in the ability to extract sugar from beets caused in large part by the things that have greatly increased the grower's productivity; that in view of the actual increase of 33.25 percent in sugarbeet rail freight charges since 1967, the only alternative to grower participation is to cease purchasing sugar beets from growers who deliver to receiving stations beyond the basic freight limit that the company pays; that deductions for the use of thick juice storage provides the processor a fair return for his cost of constructing and operating such a facility, while insuring the producer a benefit by limiting the use of expensive outside sugar storage facilities; and that processors are faced with the prospect of spending several million dollars on environmental improvements in the next few years just to stay in business.

Examination of the 1971 crop purchase contracts, which have been negotiated by producers and processors and submitted to the Department subsequent to the hearings, indicates that with few exceptions the major provisions relating to payments for sugar beets conform to those of the 1970 crop purchase contracts. One processor increased the payment scale at all net return and sucrose levels in one of its largest areas; one processor in one of its contracts increased the freight charge to growers from 10 cents per ton to 30 cents per ton in one district and to 40 cents per ton in another district with the processor and growers sharing equally in freight above \$1.30 and \$1.40, respectively; and another processor lowered in two contracts the amount from 1 dollar to 80 cents by which the actual net return must exceed the average price for raw sugar. One other processor in one contract included as a deduction from gross returns charges incident to the storage of refined sugar and concentrated sugar juice. Several processors increased the prices of sugar beet seed. Changes in the 1971 crop purchase contracts are not expected to alter significantly the sharing relationship between the producer and the processor at normal ranges of sugar prices and sucrose levels.

Consideration has been given to the testimony presented at the public hearings, to the provisions of the purchase contracts, to the comparative average costs of producers and processors obtained by field study for a recent crop and recast in terms of prospective price and production conditions for the 1971 crop, and to other pertinent factors. The analysis indicates that the provisions for payment in the 1971 crop purchase contracts are fair and reasonable at levels of sugar prices which may be expected during the pricing period.

The 1970 fair price determination permitted processors operating in factory settlement districts using a scale-type purchase contract to deduct from the gross sales price of sugar a charge representing the additional cost of factory start-up and clean-up in connection with a broken campaign. The determination made the charge conditional upon

storage of concentrated juice for at least 30 days after the end of the slicing campaign and before the start-up of the juice processing campaign, and limited the charge to a maximum of 2 cents per month of the shutdown period per hundredweight of sugar equivalent for a period not to exceed 6 months. The provision is continued in this determination but with the further condition that there must be agreement between the processor and producers for the processor to make a charge in connection with the storage of concentrated juice. The Department believes that the use of such storage tanks will mutually benefit both the processor and producer by reducing refined sugar storage costs. The Department has, in the past, recommended that there be agreement between the parties on matters of mutual interest and suggested that processors and producers in negotiating 1971-crop purchase contracts specifically agree on whether the processor should be compensated for the expenses associated with concentrated juice storage. One 1971-crop purchase contract between a processor and producers who were affected by the provision of the 1969 and 1970 determinations, which permitted the deduction from gross returns of a charge for costs incurred by the processor as the result of a subsequent juice processing campaign, includes a provision whereby the processor may deduct from gross returns charges incident to the storage of concentrated juice. However, since the provision contained in the contract is not specific as to the limits of such charges, this determination continues the provisions of the prior determination in that respect.

The recommendations of producers that the sharing relationship at increments of net returns below the \$8.50 level be extended to increments above the \$8.50 level, and that the processor be required to share in additional freight costs on an equitable basis have been considered. Producer representatives contend that the costs of producers and processors have increased in a similar degree since the 1966-67 determination was issued. Processors contend that producers have benefited from greater productivity in recent years due to increased use of chemicals and mechanization, while any processor gains have been more than offset by the increase in the costs of labor and materials to refine the crop, plus a serious decline in sugar extraction caused in large part by some of the things that have increased producers' productivity. The economic position of both producers and processors, as it existed in prior years and as it is likely to exist for the 1971 crop, has been given careful consideration. Analysis of the comparative average operating results of producers and processors for these years indicates that the producers' share of returns, on average, continue to be favorable as compared to their sharing of total costs, and that the payments provided in 1971-crop purchase contracts are fair and reasonable at the levels of net returns which may be expected.

FEDERAL REGISTER, VOL. 36, NO. 188—TUESDAY, SEPTEMBER 28, 1971

| REA bulletin number and date of last issuance | Description |
|---|---|
| 81-8:381-13; June 1969----- | Procedures for the use of bidders on REA-financed construction in submitting their qualifications. |
| 86-5:387-2; July 1968----- | Requirements and procedure concerning the use of contract Form 257 in the construction of headquarters facilities of electric and telephone borrowers. |
| 100-1:400-2; April 1960----- | The requirements of REA for the selection of an attorney by an REA borrower. |
| 100-5:400-3; June 1962----- | The policy of REA concerning agreements for the operation and management of electric and telephone systems owned by REA borrowers. |
| 102-1:402-3; March 1964----- | REA policy and recommendations on electric and telephone cooperative borrowers' capital credits and related consumer benefits. |
| 103-9:403-4; June 1960----- | Procedure for the purchase and redemption by borrowers of 2 percent Treasury Bonds--REA Series. |
| 107-1:407-1; January 1970----- | Policy and recommendations of REA concerning the purchase and use of data processing equipment by REA borrowers. |
| 109-2:409-3; May 1964----- | REA policy with respect to labor relations activities of borrowers. |
| 114-2:414-1; April 1964----- | The policy of REA with respect to minimum insurance and fidelity coverage for REA borrowers. |
| 168-7:447-3; July 1963----- | The policy and recommendations of REA borrowers' safety programs and their implementation. |
| 180-6:460-2; April 1971----- | The policy of REA concerning the selection of Depositories for Funds of borrowers. |
| 185-1:465-2; November 1963---- | REA policy and requirements regarding the audit of accounts and records of REA borrowers and the selection of Independent Certified Public Accountants to perform such audits. |
| RURAL ELECTRIFICATION PROGRAM BULLETINS | |
| 1-5; May 1965----- | Sets forth REA policy and procedure for the preparation and submission by electric borrowers of annual estimates of their loan requirements. |
| 1-7; August 1969----- | The policy and recommendations of REA with respect to the general funds of electric borrowers as to appropriate levels in relationship to REA approval of loans and loan fund advances. |
| 3-3; February 1962----- | REA policy and guidance to borrowers concerning protection of the territorial integrity of their service areas. |
| 20-2; February 1971----- | REA policy and requirements for loans under section 4 of the Rural Electrification Act. |
| 20-3; July 1956----- | REA procedure for electric borrowers in obtaining adequate rights of way and submission of title evidence. |
| 20-6; May 1969----- | REA policy on loans for electric generation and transmission facilities. |
| 20-8; July 1963----- | Requirements and procedure concerning the purchase of real estate by electric borrowers financed with REA loan funds or borrowers' general funds. |
| 20-14; February 1971----- | The policy of REA concerning supplemental financing for loans considered under section 4 of the Rural Electrification Act. |
| 20-20; January 1971----- | Policy and procedure concerning REA deferment of principal repayments for borrowers investing in supplemental lending institutions. |
| 21-2; July 1965----- | The policy of REA as it relates to financing service entrance equipment in the electric program. |
| 24-1; March 1969----- | Policy and procedure on REA loans to electric borrowers under section 5 of the Rural Electrification Act. |

| REA bulletin number and date of last issuance | Description |
|---|--|
| 9-1:309-1; June 1969----- | Guidelines for REA participation with borrowers and their associations in community development activities. |
| 20-1:321-1; May 1964----- | The requirements of REA on the selection of a trustee where deeds of trust secure loans. |
| 20-5:320-2; August 1969----- | Policy and procedure on the repayment of loan principal and interest extended under section 12 of the Rural Electrification Act. |
| 20-7:320-10; June 1957----- | The requirements and procedure of REA with respect to interest and principal payments on REA loans under sections 4 and 201 of the Rural Electrification Act. |
| 20-9:320-12; December 1969---- | Policy and procedure for the computation of interest on REA loans and loan account statements sent to borrowers. |
| 20-10:320-8; October 1964----- | The policy and procedure of REA regarding notes and basis date agreements pertaining to section 4 and section 201 loans. |
| 20-11:320-17; April 1962----- | Policy and procedure with respect to the Government's mortgage lien on motor vehicles owned by borrowers. |
| 20-15:320-15; July 1970----- | The policy and procedure of REA concerning equal employment opportunity in construction financed by REA loans. |
| 20-19:320-19; September 1970---- | The policy and procedure of REA to assure nondiscrimination among beneficiaries of REA programs. |
| 20-21:320-21; June 1971----- | Policy and procedure concerning the implementation of the National Environmental Policy Act as it relates to the REA program. |
| 40-1:340-2; March 1969----- | Requirements for borrowers' payments of REA loan funds to their architects, engineers, contractors, and suppliers. |
| 40-2:340-5; August 1962----- | Insurance requirements of REA for borrowers' contractors, engineers, and architects, including bond requirements for borrowers' contractors. |
| 43-9:344-3; July 1955----- | Requirements with respect to the "Buy American" provision of the Rural Electrification Act. |
| 44-2:345-1; July 1967----- | REA specifications on wood poles, stubs, and anchor logs and for preservative treatment of these materials to be purchased by REA electric and telephone borrowers. |
| 44-3:345-4; August 1958----- | REA specifications on wood crossarms, construction lumber, and pole keys and for preservative treatment of these materials to be purchased by REA electric and telephone borrowers. |
| 44-4:345-9; November 1970----- | REA standards and procedures for the inspection of wood poles, stubs, and anchor logs, wood crossarms, construction lumber and pole keys and the preservatives and preservative treatment to be used in REA-financed construction. |
| 44-5:345-2; November 1970----- | Inspection agencies authorized by REA for inspection of timber products and of their preservative treatment concerned with installation in REA borrowers' electric or telephone systems. |
| 44-7:345-3; April 1971----- | REA procedure for establishing standards, standard specifications, drawings, materials and equipment for use in the electric and telephone programs. |
| 81-4:331-6; August 1962----- | Requirements for payments to contractors for materials delivered but which cannot be incorporated into the electric or telephone projects for an extended period (60 days or more). |
| 81-7:381-11; November 1953---- | Procedures for handling changes or corrections in contract construction where the cost is to be borne by the REA borrower. |

| REA bulletin number and date of last issuance | Description | REA bulletin number and date of last issuance | Description |
|---|--|---|--|
| 26-1; May 1971----- | Procedure for the advance of section 4 loan funds and the expenditure of such funds. | 80-5; July 1955----- | Specifications and recommended practices in the installation of conductor for rural electric distribution lines. |
| 27-1; May 1960----- | Policy and procedure on REA loans for the acquisition of existing electric facilities by borrowers. | 80-6; May 1956----- | Requirements for reporting by borrowers' engineers on proposed electric distribution and transmission facilities to be released to the contractor for construction. |
| 40-4; August 1963----- | The guidelines of REA on the mapping of systems by electric borrower. | 80-8; May 1956----- | Requirements for the construction and operation of electric lines on National Forest and Land Utilization Projects lands administered by the U.S. Forest Service. |
| 40-5; January 1970----- | Policy and procedure on borrowers' arrangements with other organizations for the common use of poles involving distribution and transmission lines. | 80-11; June 1971----- | Requirements for progress reports from engineers and architects involved in contract construction of electric borrowers' facilities. |
| 40-6; August 1970----- | The requirements of REA concerning construction of distribution, transmission, generation and headquarters facilities and the purchase of materials and equipment by electric borrowers. | 81-6; August 1958----- | Steps to be followed and the documents required to close out REA financed construction accomplished by the use of REA Contract Form 830. |
| 40-7; January 1962----- | The National Electrical Safety Code and REA construction requirements with respect thereto. | 81-9; October 1955----- | Guidelines for the preparation of plans and specifications for distribution and transmission facilities to be constructed through the use of REA Contract Form 830. |
| 40-8; September 1970----- | REA construction specifications, drawings and contract forms for electric distribution and transmission facilities. | 83-1; October 1958----- | Guidelines and requirements for the adequate grounding of primary distribution lines. |
| 41-1; May 1967----- | Policy and procedure for electric borrowers' selection of engineers and arrangements for engineering services. | 85-1; February 1958----- | Procedure for closing out projects involving contract construction by REA borrowers of generation facilities. |
| 42-1; August 1969----- | Policy and procedure for the selection by borrowers of architects for the design of buildings to be constructed with loan funds. | 86-1; August 1957----- | Procedure and final documents required to close out construction of building (exclusive of Generation Plants) and Architectural Services Contracts. |
| 43-5; July 1971----- | List of materials acceptable to REA for use in the construction of borrowers' electric systems. | 86-2; August 1969----- | Requirements for the preparation of plans and specifications, bid documents, and bid releases for headquarters' facilities of electric borrowers. |
| 43-6; February 1957----- | Policy and requirements for the selection of materials and equipment by borrowers and their inspection upon delivery. | 86-3; September 1969----- | The requirements and recommendations of REA with respect to headquarters facilities for electric borrowers. |
| 44-1; June 1969----- | REA specifications and standards for material and equipment used by REA electric borrowers. | 100-2; March 1960----- | The requirements of REA for minutes of meetings of borrowers' boards of directors and the submission of certified copies of the minutes to REA. |
| 44-9; December 1960----- | Specifications for wood-type crossarms for H-frame construction of lines for electric borrowers. | 100-4; July 1970----- | The policy of REA with respect to corrective action taken by borrowers where problems may endanger the effective operation of their systems as well as the security of REA loans. |
| 60-1; August 1955----- | REA standards for the preparation of circuit diagrams, electrical data sheets and other drawings for the systems of electric borrowers. | 101-1; September 1955----- | The policy and recommendations of REA concerning the constitution of the board of directors and technical advisory committee of a power supply cooperative. |
| 60-2; September 1953----- | REA policy with respect to the electrical capacity of the systems financed with REA loan funds. | 101-5; January 1967----- | Recommended model act bylaws for the use of electric cooperatives in drafting or revising their bylaws. |
| 60-7; June 1960----- | REA standards concerning service reliability on electric distribution systems of REA borrowers. | 102-2; July 1971----- | The policy of REA on the waiver of loan security instruments relating to borrowers' retirement of patronage capital. |
| 60-8; October 1967----- | Guidelines to borrowers for long range electric distribution system planning. | 103-2; June 1971----- | REA policy concerning borrowers' investments of general funds in electric plant and the waiver of REA approval of the use of general funds for constructing certain extensions and additions to plant. |
| 60-9; May 1960----- | Standards for economical design of primary lines for rural distribution system. | 105-4; August 1964----- | Guidelines for long-range financial management by electric borrowers. |
| 61-1; July 1959----- | Guidelines for electric distribution systems in the preparation, use and approval of annual work plans. | 105-5; July 1971----- | Guidelines for the preparation of long-range financial forecasts by electric distribution borrowers. |
| 61-3; June 1967----- | REA specifications for conductors used in the construction of low-voltage circuits, including installation. | 108-1; November 1970----- | The requirements of REA on the preparation and submission by electric distribution borrowers of financial and statistical reports on their operations. |
| 61-6; May 1959----- | Specifications and standards for the design of equipment and the installation of underground distribution lines for rural electric systems. | 108-2; January 1971----- | The requirements of REA on the preparation and submission of operating reports by power-type borrowers and distribution borrowers with generating facilities. |
| 61-8; May 1959----- | Standards for the design of guys and anchors for grade O distribution systems. | | |
| 61-9; June 1970----- | Standards for the design of wire crossings of distribution lines over communication lines. | | |
| 62-1; May 1961----- | Specifications and other requirements for the design of transmission lines. | | |
| 65-1; July 1970----- | Guide for the design of electric substations built with REA loan funds. | | |

| <i>REA bulletin number and date of last issuance</i> | <i>Description</i> |
|--|--|
| 109-4; June 1970----- | The policy and procedure of REA regarding the selection of a manager by electric borrowers. |
| 111-1; July 1957----- | The policy and procedure of REA concerning the review and approval of the wholesale power purchase contracts of borrowers. |
| 111-3; August 1969----- | The policy and procedure of REA on power supply surveys and certifications thereto by the Administrator in relation to the approval of loans for generation or transmission facilities. |
| 112-2; April 1971----- | REA policy and procedure with respect to the electric retail rates of distribution type borrowers. |
| 112-3; September 1958----- | The policy of REA covering the extension of electric service to rural users by borrowers on an area coverage basis. |
| 112-6; May 1961----- | The procedure and requirements of REA for obtaining its approval of borrowers' contracts for extending electric service to large power installations. |
| 112-7; May 1961----- | Instructions for the preparation and use of REA Form 323, Street Lighting System Contract, by electric borrowers. |
| 115-1; May 1968----- | The policy and procedure of REA concerning the sale of property by electric borrowers. |
| 415-3; February 1958----- | The policy and recommendations of REA concerning the relocating, removing or abandoning of borrowers' facilities for the convenience of Federal, state, territorial or other government agencies. |
| 120-1; October 1970----- | The policy and procedure of REA with respect to the development and use of consumer KWH estimates and power requirements studies of borrowers' electric systems. |
| 181-1; December 1960----- | Uniform system of accounts prescribed by REA for use by electric borrowers. |
| 181-2; May 1968----- | The standard list of plant retirement units for use in connection with the REA Uniform System of Accounts prescribed for electric borrowers. |
| 181-3; March 1964----- | Specific accounting instructions and interpretations amending the REA Uniform System of Accounts for particular situations which are unusual in the construction or operation of rural electric systems. |
| 182-1; January 1965----- | The guidelines of REA to electric borrowers on establishing and enforcing internal controls in the financial operations of the system. |
| 183-1; November 1969----- | The policy and procedure of REA pertaining to depreciation rates of electric plant and amortization of land rights and clearing rights-of-way for systems of electric borrowers. |
| 184-2; May 1962----- | The guidelines of REA pertaining to work orders in accounting for fixed capital changes in the plant of electric borrowers. |
| 184-3; September 1961----- | Guidelines of REA for electric borrowers in establishing and maintaining a continuing property record system. |
| RURAL TELEPHONE PROGRAM BULLETINS | |
| 300-5; August 1969----- | REA policy and requirements with respect to the general funds of REA telephone borrowers. |
| 300-7; May 1965----- | REA policy with respect to expanding and improving services to subscribers of telephone borrowers including guidelines for the development and execution of a member service program. |
| 300-8; August 1965----- | The policy of REA with respect to the financial participation by telephone borrowers in community antenna television system services and facilities. |
| 320-1; February 1962----- | The guidelines of REA for operating a subscriber owned rural telephone cooperative to obtain modern telephone service in rural areas through participation in the REA loan program. |
| 320-3; January 1959----- | The policy and procedure of REA concerning availability of REA loans to rural telephone borrowers for working capital. |
| 320-4; June 1962----- | REA policies and procedures concerning applications for REA loans to improve and extend rural telephone service. |
| 320-5; August 1957----- | The policy and procedure of REA concerning the headquarters buildings of telephone borrowers and the basis for REA loans covering such facilities. |
| 320-9; March 1965----- | REA policy concerning the types of organizations and capital structures eligible for REA telephone loans. |
| 320-13; February 1960----- | REA policy concerning loans to finance switched (service station) facilities. |
| 320-14; May 1971----- | The requirements and procedures of REA on loans to existing borrowers for telephone system improvements and extensions. |
| 321-2; May 1969----- | The policy of REA with respect to the loan security requirements for REA telephone loans. |
| 322-1; May 1971----- | The policy and procedure of REA with respect to surveys of telephone service requirements in connection with a telephone loan application. |
| 322-2; April 1967----- | REA policy covering the provision of telephone service to rural users on an area coverage basis. |
| 323-1; October 1964----- | REA requirements concerning certification of nonduplication of facilities in the use of REA loan funds where there is no State authority to issue a certificate of convenience and necessity. |
| 324-1; October 1960----- | REA policy concerning the refinancing of outstanding indebtedness of telephone borrowers. |
| 325-1; November 1960----- | The policy of REA regarding loan applications for telephone service involving facilities located outside rural areas. |
| 326-1; May 1969----- | The policy and requirements of REA with respect to the acquisition of telephone facilities and systems by REA borrowers using Government loan funds. |
| 327-1; July 1965----- | The requirements of REA for the advance of loan funds to borrowers after a loan contract and mortgage note have been executed. |
| 340-1; August 1963----- | The requirements of REA covering telephone borrowers' final payments to contractors, engineers and architects from loan funds. |
| 340-3; April 1959----- | The procedure of REA for the design and construction of central office and interconnecting facilities of REA borrowers with those of connecting companies. |
| 340-4; November 1962----- | Guidelines of REA for use of REA Form 512, "Work Schedule and Progress Report" in checking the progress of work during the course of construction. |
| 341-1; July 1962----- | The requirements and procedure of REA for a telephone borrower in closing out an engineering service contract. |
| 341-2; January 1954----- | REA procedure for the use of REA Form 563 to certify stake replacements during construction of rural telephone facilities. |

| REA bulletin number and date of last issuance | Description |
|--|---|
| 341-3; March 1959----- | The policy and procedure of REA concerning the selection of consulting telephone engineers by telephone loan applicants and borrowers, and the procedure to be followed in securing engineering services. |
| 342-1; July 1967----- | REA policy concerning the selection of architects by telephone borrowers, and the procedure to be followed in securing architectural services. |
| 344-1; January 1958----- | The procedures required by REA for telephone borrowers in purchasing materials and equipment with REA loan funds for the construction of telephone facilities. |
| 344-2; August 1970----- | REA approved list of the materials and equipment suitable for use in the systems of telephone borrowers. |
| 345-5; September 1958----- | The policy of REA on responsibilities of borrowers and their engineers and contractors with respect to proper inspection of materials and equipment and the replacement of defective and nonstandard items. |
| 345-6; February 1971----- | Specification of REA for splicing and terminating plastic-insulated, plastic-jacketed cables used on telephone systems of borrowers. |
| 345-7; July 1966----- | Specification of REA for joining thermoplastic sheathed, thermoplastic insulated cables to lead-sheathed, paper-insulated cables used on telephone systems of REA borrowers. |
| 345-8; July 1966----- | Specification of REA for joining paper or pulp insulated lead-sheathed cables to paper or pulp insulated lead-sheathed cables on telephone systems or REA borrowers. |
| 345-13; June 1957----- | Specification of REA for fully color-coded polyethylene insulated, polyethylene-jacketed telephone cables on telephone systems of REA borrowers. |
| 345-14; October 1969----- | Specification of REA for fully color-coded polyethylene insulated, double polyethylene-jacketed telephone cables for direct burial by telephone borrowers. |
| 345-15; December 1966----- | Specification of REA for 88 MHz voice frequency loading coils on telephone systems of REA borrowers. |
| 345-16; September 1962----- | Specification of REA for reinforced heavy-duty point-to-type transposition brackets on borrowers' telephone systems. |
| 345-17; May 1962----- | Specification of REA for plastic-insulated line wire on borrowers' telephone systems. |
| 345-18; January 1964----- | Specification of REA for plastic-insulated, plastic-jacketed station wire on borrowers' telephone systems. |
| 345-19; March 1966----- | Specification of REA for figure 8 one pair distribution wire on borrowers' telephone systems. |
| 345-20; July 1966----- | Specification of REA for figure 8 multipair distribution wire on borrowers' telephone systems. |
| 345-21; February 1969----- | Specification of REA for polyethylene raw material on borrowers' telephone systems. |
| 345-22; December 1966----- | Specification of REA for 66 MHz voice frequency loading coils on telephone borrowers' system. |
| 345-23; January 1967----- | Specification of REA for building-out capacitors on borrowers' telephone systems. |
| 345-24; September 1962----- | Specification of REA for spindle-threaded steel communication insular pins and associated plastic bushings on borrowers' telephone systems. |
| 345-25; December 1962----- | Specification of REA for dead-end clevis assembly for use with open wire conductors on borrowers' telephone systems. |
| 345-26; June 1969----- | Specification of REA for galvanized steel buried plant terminal housings for telephone borrowers' systems. |
| 345-27; February 1963----- | Specification of REA for D80/H88 junction impedance compensators for telephone borrowers' systems. |
| 345-28; January 1969----- | Specification of REA for seven-wire galvanized steel strand for telephone borrowers' systems. |
| 345-29; August 1967----- | Specification of REA for figure 8 cable for the telephone systems of REA borrowers. |
| 345-30; August 1963----- | Specification of REA for ringing generator equipment for the telephone systems of REA borrowers. |
| 345-31; February 1965----- | Specification of REA for polyethylene-insulated bridled wire for the telephone systems of REA borrowers. |
| 345-34; November 1963----- | Specification of REA for locust wood bushing for the telephone systems of REA borrowers. |
| 345-35; November 1963----- | Specification of REA for wood insulator pins for the telephone systems of REA borrowers. |
| 345-36; November 1966----- | Specification of REA for parallel conductor drop wire on the telephone systems of REA borrowers. |
| 345-38; November 1963----- | Specification of REA for wood crossarm braces for the telephone systems of REA borrowers. |
| 345-39; July 1965----- | Specification of REA for telephone station protectors on the systems of REA borrowers. |
| 345-42; March 1964----- | Specification of REA for low loss buried distribution wire for telephone systems of REA borrowers. |
| 345-44; March 1964----- | Specification of REA for figure 8 drop wire for telephone systems of REA borrowers. |
| 345-45; December 1964----- | REA policy concerning the experimental use of telephone materials and equipment prior to their consideration for listing on the REA approved list of materials. |
| 345-46; July 1968----- | Specification of REA for clamps to support figure 8 distribution wire for the telephone systems of REA borrowers. |
| 345-47; April 1966----- | Specification of REA for seven-wire aluminum-clad steel strand for the telephone systems of REA borrowers. |
| 345-48; April 1970----- | Specification of REA for buried distribution wires for telephone systems of REA borrowers. |
| 345-49; June 1968----- | Specification of REA for fiberglass buried plant terminal housings for telephone systems of REA borrowers. |
| 345-50; April 1971----- | Specification of REA for trunk carrier multiplex equipment for telephone systems of REA borrowers. |
| 345-51; April 1967----- | Specification of REA crystalline propylene ethylene copolymer raw materials used in materials incorporated in the telephone systems of REA borrowers. |
| 345-53; March 1966----- | The specification of REA covering approved methods of making telephone station installations including paystations. |
| 345-53; July 1968----- | Specification of REA for encapsulations, splice closure, and pressure blocks in plastic-insulated, plastic-jacketed cable. |
| 345-54; April 1969----- | Specification of REA for telephone cable splicing connectors used on borrowers' telephone systems. |
| 345-55; April 1969----- | Specification of REA for central office loop extenders used on borrowers' telephone systems. |
| 345-56; April 1969----- | Specification of REA for station carrier equipment installed on borrowers' telephone systems. |
| 345-57; June 1969----- | Specification of REA for microwave radio equipment installed on borrowers' telephone systems. |
| 345-59; July 1969----- | Specification of REA for flexible and semirigid polyvinyl chloride raw material used on telephone systems of borrowers. |

| <i>REA bulletin number and date of last issuance</i> | <i>Description</i> |
|--|---|
| 345-59; September 1969----- | Specification of REA for inside distribution wiring cable used on borrowers' telephone systems. |
| 345-60; October 1969----- | Specification of REA for coaxial drop cable for ETV and other wide band applications used on borrowers' systems. |
| 345-61; February 1970----- | Specification of REA for switchboard cable used on borrowers' telephone systems. |
| 345-62; June 1970----- | Specification of REA for dome-type buried plant housing used on borrowers' telephone systems. |
| 345-63; November 1970----- | The standards of REA for acceptance tests and measurements of telephone plant installed on borrowers' telephone systems. |
| 360-1; October 1963----- | Explanation of REA Form 567, Checklist for Review of an Area Coverage Design for telephone borrowers. |
| 360-2; May 1967----- | Information on preparation of an area coverage design. |
| 380-1; July 1966----- | Information for telephone borrowers in obtaining adequate title to real estate and rights-of-way authorizations for telephone systems. |
| 380-3; July 1963----- | Information on report of borrowers' engineer to the telephone borrower and REA on the progress of engineering and construction activities. |
| 381-1; May 1964----- | Procedure for processing bid tabulations for the contract construction of telephone outside plant facilities using REA Form 511, Telephone System Construction Contract. |
| 381-2; October 1970----- | Information regarding Telephone System Construction Contract (Labor and Materials), REA Form 511. |
| 381-4; October 1963----- | Procedure for preparation of close-out documents in connection with Telephone Construction Contract (Labor and Materials), REA Form 511. |
| 381-7; June 1957----- | REA policy concerning methods of constructing telephone borrowers' initial system outside plant facilities. |
| 381-8; September 1963----- | Requirements and procedures pertaining to contract construction of telephone borrower's initial system outside plant facilities. |
| 381-9; August 1953----- | Procedures for preparation of amendments to contracts for construction or installation of telephone borrowers' facilities with loan funds or borrowers' equity funds. |
| 381-10; October 1961----- | Procedures for entering into subcontracts under contracts involving construction or installation of telephone borrowers' facilities. |
| 382-1; February 1958----- | Requirements and procedures of REA pertaining to force account construction of telephone borrowers' initial systems. |
| 382-2; May 1963----- | Policy and procedures of REA pertaining to system improvements and extensions to be financed with REA loan funds where the initial telephone construction has been completed. |
| 382-3; November 1963----- | Policy and procedures of REA regarding the preparation of final inventory documents for force account construction of all or a portion of a borrower's initial system. |
| 383-1; May 1967----- | Guidelines of REA for borrowers and their engineers concerning the required information for preparing plans and specifications for telephone system outside plant facilities. |
| 383-2; March 1963----- | REA requirements for pretesting inspections and acceptance tests on completed telephone outside plant construction. |
| <i>REA bulletin number and date of last issuance</i> | <i>Description</i> |
| 383-4; June 1971----- | Requirements and procedures of REA for postloan engineering design data on construction proposed by borrowers. |
| 384-1; March 1958----- | The procedure of REA in requesting quotations and executing contracts for furnishing central office equipment to telephone borrowers. |
| 384-2; October 1965----- | Procedure of REA for the close-out of telephone central office equipment contracts. |
| 384-3; February 1967----- | The procedure of REA for the use of central office equipment contracts and specifications for telephone borrowers. |
| 385-1; December 1962----- | Requirements and procedures of REA on loan applications to provide two-way radio telephone service for telephone borrowers. |
| 385-2; February 1969----- | Procedures required by REA of telephone borrowers in purchasing special electronic equipment with REA loan funds. |
| 385-3; April 1964----- | The procedure of REA for use by telephone borrowers in closing out special equipment contracts, REA Forms 397 and 398. |
| 385-4; June 1970----- | Special equipment contracts and specifications approved by REA for the use of telephone borrowers. |
| 385-5; April 1966----- | The policy of REA concerning its financing of telephone borrowers' procurement of radio equipment for subscriber service. |
| 387-1; December 1961----- | Requirements and procedures of REA pertaining to the preparation of plans and specifications for construction of telephone borrowers' buildings. |
| 387-3; March 1961----- | Procedure established by REA for preparation of final documents required to close out construction of buildings by telephone borrowers. |
| 387-5; April 1961----- | Requirements and procedures of REA pertaining to contract construction of buildings by telephone borrowers. |
| 388-1; May 1957----- | Procedures established by REA for preparing an inventory and appraisal of existing telephone plant to be retained as part of rebuilt systems proposed by borrowers for REA financing. |
| 400-4; December 1965----- | REA policy concerning payment of legal fees from loan and equity funds to attorneys of telephone borrowers. |
| 400-5; January 1964----- | REA policy with respect to conditions that may endanger the operations and financial stability of telephone borrowers and the security of REA loans. |
| 402-1; December 1962----- | REA mortgage restrictions on dividends and other distribution of capital by telephone borrowers. |
| 402-2; November 1960----- | The policies of REA under which the capital distribution provisions of loan security instruments may be waived for telephone borrowers. |
| 403-3; October 1959----- | The requirements of REA concerning minutes of meetings of telephone borrowers' directors, stockholders, or members. |
| 404-1; July 1962----- | Requirements of REA concerning its approval of the connecting company and special service contracts and leases of telephone borrowers. |
| 405-1; July 1962----- | Guidelines of REA concerning financial planning by telephone borrowers including planning for reimbursements from loan funds of their general funds used for extensions and additions to plant. |

| <i>REA bulletin number and date of last issuance</i> | <i>Description</i> |
|--|---|
| 408-1; November 1970..... | Requirements of REA concerning the preparation of financial and statistical reports by telephone borrowers on their operations and their submission to REA. |
| 409-1; February 1960..... | The policies of REA concerning the selection of a manager by telephone borrowers. |
| 411-1; June 1961..... | The guidelines of REA for telephone borrowers in adopting and securing REA approval for agreements to furnish Extended Area Service (EAS). |
| 415-1; August 1960..... | Requirements of REA with respect to the sale, lease or transfer of property by telephone borrowers. |
| 440-1; March 1962..... | REA policy on providing assistance to telephone borrowers with respect to technical operations and maintenance of their systems. |
| 447-1; October 1958..... | REA policy and recommendations to telephone borrowers concerning safety practices in the construction and operation of their systems. |
| 461-1; December 1961..... | The requirements of REA with respect to the accounting systems of telephone borrowers. |
| 462-1; January 1965..... | Guidelines of REA for telephone borrowers in establishing and evaluating the effectiveness of their internal controls in the operation of their systems. |
| 463-1; April 1967..... | Policy and recommendations of REA on depreciation rates applicable to the telephone plant of REA borrowers. |
| 464-1; February 1959..... | The policy and recommendations of REA on the accounting treatment for damages received by telephone borrowers from delays in the completion of contract construction. |
| 464-2; June 1965..... | The requirements and recommendations of REA concerning the accounting for and reporting on large investments in special communications facilities by telephone borrowers. |

Dated: September 22, 1971.

DAVID A. HAMIL,
Administrator.

[FR Doc.71-14249 Filed 9-27-71; 8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-22-AD; Amdt. 39-1299]

PART 39—AIRWORTHINESS DIRECTIVES

Champion 7 Series Aircraft

There have been reports of cracking or buckling of the lower fuselage longerons in the area of the landing gear U-bolt attachment fittings in Champion 7 series airplanes equipped with spring steel type landing gears. This condition can result in a collapsed landing gear and other structural damage. It has been determined that suspect aircraft were those manufactured by an alternate method of fabrication which utilized telescoping square tubes rather than a single tube of adequate wall thickness. Champion Service Letter No. 96, dated August 1, 1969, called for inspection of certain Champion 7 series aircraft to determine if they had been fabricated by the alternate method and if so modification of these aircraft with Champion Service Kit No. 233.

Since the manufacturer has been able to effect only 15 percent compliance with the service instructions on those airplanes referred to therein, and since this condition exists or may develop in other of the same series airplanes which have not been modified, an Airworthiness Di-

rective is being issued requiring that Champion 7 series airplanes equipped with spring steel type landing gears comply with Champion Service Letter No. 96 within the next 50 hours' time in service from the effective date of this AD.

Since immediate adoption of this AD is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedures Act is not practical and good cause exists for making this rule effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CHAMPION. Applies to Model 7ECA (Serial Nos. 145, 151, 182, 190, 194, 199, 207, 211, 212, 226, 228, 229, 233, 242, 250, 253, 269, 270, 276, 281 through 284, 287, 289, 292, 296, 298 through 303, 306, 308, 310, 317, 321, 325, 328, 335, 344, 353, 354 through 357, 365, 381, 387, 388, 403, 411, 416, 417, 421, 423, 439, 442, 447, 448, 450, 452, 463, 464, 470, 497, 501, 504, 515, 518, 531, 532, 543, 546, 552, 557, 560, 564, 569), Model 7GCAA (Serial Nos. 6, 8, 15, 44, 88, 91, 104, 106, 111, 112, 114, 125, 128, 141 through 144, 150, 152, 154, 156 through 167, 169, 172), Model 7GCBC (Serial Nos. 4, 7, 10, 14, 15, 16, 30, 45, 79, 83, 84, 86 through 90, 92 through 95), and Model 7KCAB (Serial Nos. 3, 16 through 22, 24 through 37, 39 through 45, 47, 48, 50, 51, 53, 54, 55, 57, 58, 61, 62, and 64) airplanes. Compliance: Required as indicated, unless already accomplished.

To prevent structural failure of the lower longerons, accomplish the following:

(A) Within the next 50 hours' time in service after the effective date of this AD, visually inspect the lower fuselage longerons in accordance with Champion Service Letter No. 96, dated August 1, 1969, to determine its method of fabrication.

(B) If the lower fuselage longerons, inspected in accordance with paragraph A, do not meet the radius criteria specified in Champion Service Letter No. 96, dated August 1, 1969, prior to return to service, install Champion Service Kit 233, or any equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Note: Champion Aircraft Corp. is now Bellanca Aircraft Corp.

This amendment becomes effective September 30, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on September 17, 1971.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.71-14229 Filed 9-27-71; 8:47 am]

[Docket No. 11423; Amdt. 39-1302]

PART 39—AIRWORTHINESS DIRECTIVES

Turbine Engine Powered Aircraft With Certain Type Batteries Installed

Pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), an airworthiness directive was adopted on August 30, 1971, and made effective immediately upon receipt as to all known U.S. operators of turbine-engine powered aircraft with a primary electrical system that includes a nickel-cadmium battery containing any polystyrene cell cases that is capable of being used to start the aircraft's engine or APU, except aircraft that have the charging rate of such a battery automatically controlled as a function of battery temperature and except Learjet Models 23, 24, and 25 airplanes.

The directive requires visual inspections of the batteries for heat damage and replacement before further flight of batteries found to be heat damaged because of the possibility of battery failure due to overheating that may result in fire. Batteries rated at 33 or less amp-hours are considered more likely to overheat because the loads placed on them by operations are a greater proportion of the battery capacity than such loads are on larger batteries. Therefore, the AD requires inspection of batteries rated at 33 or less amp-hours at least once each day that they are used in starting an aircraft's engine or APU and requires inspection of larger batteries at least once each week that they are so used. The repetitive inspections may be discontinued upon the installation of a battery containing all nylon cell cases, a battery overtemperature warning system, or a temperature-controlled battery charging system which has been approved for installation by an FAA region, or upon the replacement of all

polystyrene cell cases with nylon cell cases. The replacement or installation is required within 500 hours' time in service for batteries rated at 33 or less amp-hours and within 1,500 hours' time in service for larger batteries.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of turbine engine powered aircraft with a primary electrical system that includes a nickel-cadmium battery containing any polystyrene cell cases that is capable of being used to start the aircraft's engine or APU, except aircraft that have the charging rate of such a battery controlled as a function of battery temperature and except Learjet Models 23, 24, and 25 airplanes by individual airmail letters dated September 1, 1971. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons. Applies to all turbine engine powered aircraft having a primary electrical system that includes a nickel-cadmium battery containing any polystyrene cell cases that is capable of being used to start the aircraft's engine or APU, except those aircraft that have the charging rate of such a battery automatically controlled as a function of battery temperature and except Learjet Models 23, 24, and 25 airplanes.

Compliance is required as indicated:

(a) Visually inspect each battery, including the cell links and cell tops, for evidence of heat damage within the next 10 hours' time in service after the effective date of this AD unless already accomplished within the last 10 hours' time in service, and thereafter—

(1) For any battery rated at 33 or less amp-hours, at least once each day after the effective date of this AD that the battery is used for an engine or APU start or an attempted start, or at intervals not to exceed 10 engine starts or attempted starts, 14 APU starts or attempted starts, or a combination of 12 engine and APU starts or attempted starts, using the battery for power, whichever occurs sooner, until paragraph (e) is complied with.

(2) For any battery rated at 34 or more amp-hours, at least once each week that the battery is used for an engine or APU start or attempted start, until paragraph (e) is complied with.

(b) If any battery is found to have evidence of heat damage during an inspection required by paragraph (a), before further flight replace the battery with an equivalent serviceable battery.

(c) For any battery rated at 33 or less amp-hours, within the next 500 hours' time in service after the effective date of this AD, or before April 15, 1972, whichever occurs sooner, comply with paragraph (e).

(d) For any battery rated at 34 or more amp-hours, within the next 1,500 hours' time in service after the effective date of this AD, or before April 15, 1972, whichever occurs sooner, comply with paragraph (e).

(e) Comply with at least one of the following:

(1) Replace each cell having a polystyrene cell case with an equivalent cell having a nylon case; or

(2) Replace any battery containing any polystyrene cell case with a battery containing all nylon cell cases that is approved by the Chief, Engineering and Manufacturing Branch of an FAA region (or in the case of the Western Region, the Chief, Aircraft Engineering Division); or

(3) Install a battery temperature sensing and overtemperature warning system and provide an operating procedure for disconnecting batteries from the charging source in the event of a battery overtemperature warning that are approved by the Chief, Engineering and Manufacturing Branch of an FAA region (or in the case of the Western Region, the Chief, Aircraft Engineering Division); or

(4) Install a battery charging rate control system that automatically controls the battery charging rate as a function of battery temperature that is approved by the Chief, Engineering and Manufacturing Branch of an FAA region (or in the case of the Western Region, the Chief, Aircraft Engineering Division).

(f) Upon request of an operator, the Chief, Engineering and Manufacturing Branch of an FAA region (or in the case of the Western Region, the Chief, Aircraft Engineering Division) may increase the number of engine or APU starts or attempted starts that an operator may make between the inspections specified in paragraph (a)(1) that are required on the basis of the number of engine or APU starts or attempted starts, if the request contains substantiating data, based on the operator's battery maintenance program and engine and APU starting procedures, which justifies an increase for the operator.

NOTE: Polystyrene cell cases can be identified by their clear or slightly yellow plastic appearance. Marathon (Sonotone) batteries manufactured prior to 1969 (type CA20, CA20H, and CA21H) contained polystyrene cell cases. Marathon batteries manufactured in 1969 or later and those manufactured by others contain nylon cells which can be identified by their milky white or bluish appearance. Any battery rebuilt since new may contain a mixture of polystyrene and nylon cells.

This amendment is effective upon publication in the FEDERAL REGISTER (9-28-71) as to all persons except those persons to whom it was made effective immediately upon receipt of the airmail letter dated September 1, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on September 16, 1971.

WILLIAM G. SHREVE, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.71-14230 Filed 9-27-71;8:47 am]

[Airspace Docket No. 71-NE-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Norwood, Mass., control zone (36 F.R. 2112) and the Boston, Mass.,

transition area (36 F.R. 2157). The revised Standard Instrument Approach Procedure for Norwood Memorial Airport, Norwood, Mass., requires a minor change to the Norwood, Mass., control zone and Boston, Mass., 700-foot transition area descriptions.

Since the foregoing amendments are minor in nature and are ones in which members of the public are not particularly interested, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In view of the foregoing, the Federal Aviation Administration having completed review of the airspace requirements in the terminal airspace of the aforementioned locations, the amendment is herewith made effective upon publication in the FEDERAL REGISTER (9-28-71) as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Norwood, Mass., control zone by deleting "153° bearing and 333° bearing" and substituting "154° bearing and 334° bearing" therefor.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Boston, Mass., 700-foot transition area by deleting "153° bearing from the Norwood, Massachusetts, RBN" and substituting "154° bearing from the Norwood, Massachusetts, RBN" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Mass., on September 14, 1971.

W. E. CROSBY, Jr.,
Deputy Director,
New England Region.

[FR Doc.71-14226 Filed 9-27-71;8:46 am]

[Airspace Docket No. 71-SO-143]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Southern Pines, N.C., transition area.

The Southern Pines transition area is described in § 71.181 (36 F.R. 2140). In the description, an extension is predicated on Pinehurst VORTAC 083° radial. Effective October 14, 1971, the final approach radial for VOR-A Instrument Approach Procedure will be changed from 083° to 082°. It is necessary to alter the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Southern Pines, N.C., transition area is amended as follows:

"* * * 083° * * *" is deleted and
 "* * * 082° * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on September 17, 1971.

W. B. RUCKER,
Acting Director, Southern Region.

[FR Doc.71-14227 Filed 9-27-71; 8:46 am]

[Airspace Docket No. 71-SO-141]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Paris, Tenn., transition area.

The Paris transition area is described in § 71.181 (36 F.R. 2140 and 7657). In the description, an extension is predicated on the 210° bearing from Paris RBN. Additionally, in the last alteration, a portion of the 1,200-foot transition area was inadvertently retained in the description. Effective October 14, 1971, the final approach bearing for the NDB RWY 1 Instrument Approach Procedure will be changed from 210° to 213°. It is necessary to alter the description to delete the 1,200-foot portion and redesignate the extension to be predicated on the 213° bearing. Since these amendments are minor or editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Paris, Tenn., transition area (36 F.R. 7657) is amended to read:

PARIS, TENN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Henry County Airport (Lat. 36°20'15" N., Long. 88°23'00" W.); within 3 miles each side of the 213° and 353° bearings from Paris RBN (Lat. 36°20'28" N., Long. 88°22'46" W.), extending from the 5-mile radius area to 8.5 miles southwest and north of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on September 17, 1971.

W. B. RUCKER,
Acting Director, Southern Region.

[FR Doc.71-14228 Filed 9-27-71; 8:47 am]

[Airspace Docket No. 71-GL-3]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regula-

tions is to revoke Restricted Area R-5505, Lake Erie, Ohio. This revocation is made at the request of the Department of the Air Force.

Since this amendment restores airspace to the public and relieves a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (9-28-71), as hereinafter set forth.

In § 73.55 (36 F.R. 2356) Restricted Area R-5505, Lake Erie, Ohio, is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on September 21, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-14225 Filed 9-27-71; 8:46 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-5182, 34-8340, 35-17275, 39-298, IC-6737, IAA-298]

PART 201—RULES OF PRACTICE

Settlements, Agreements, and Conferences

The Securities and Exchange Commission has amended rule 8(d) of the rules of practice (17 CFR 201.8(d)).

The amendments provide that the hearing officer may order conferences to be held between the parties to a Commission administrative proceeding, without his presence, for the purposes already specified in rule 8(d). The rule as amended now states that where such conference is held without the presence of a hearing officer, the hearing officer shall be advised promptly by the parties of any agreements reached.

Commission action. Pursuant to authority contained in section 19(a) of the Securities Act of 1933, section 23(a) of the Securities Exchange Act of 1934, section 20 of the Public Utility Holding Company Act of 1935, section 319 of the Trust Indenture Act of 1939, section 38 of the Investment Company Act of 1940, and section 211 of the Investment Advisers Act of 1940, the Securities and Exchange Commission hereby amends § 201.8(d) of Chapter II of Title 17 of the Code of Federal Regulations as set forth below:

§ 201.8 Settlements, agreements, and conferences.

(d) *Conferences.* At the opening of a hearing or at any other time during the course of any proceeding, to the extent

practicable, where time, the nature of the proceeding, and the public interest permit, the hearing officer shall, at the request of any party or upon his own motion, hold or order conferences for the purpose of clarifying and simplifying issues by consent of the parties, including, where practical and reasonable, considering (1) the possibility of obtaining stipulations and admissions of facts and of authenticity and contents of documents which will avoid unnecessary proof; (2) expedition in the presentation of evidence; (3) the exchange of copies of proposed exhibits; and (4) such other matters as will promote a fair and expeditious hearing or aid in the disposition of the proceeding. Where such conference is held without the presence of the hearing officer, the hearing officer shall be advised promptly by the parties of the agreements reached. At or following the conclusion of a conference the hearing officer shall enter a ruling or order which recites the matters agreed upon by the parties and any procedural determinations made by the hearing officer.

(Sec. 19(a), 48 Stat. 85, sec. 209, 48 Stat. 908, 15 U.S.C. 77s; sec. 23(a), 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w; sec. 20, 49 Stat. 833, 15 U.S.C. 79t; sec. 319, 53 Stat. 1173, 15 U.S.C. 77sss; sec. 38, 54 Stat. 841, 15 U.S.C. 80a-37; sec. 211, 54 Stat. 855, sec. 14, 74 Stat. 888, 15 U.S.C. 80b-11)

The Commission finds that the foregoing amendments involve matters of procedure or practice, and that notice and public procedure pursuant to 5 U.S.C. 553 are unnecessary.

By the Commission, September 20, 1971.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-14215 Filed 9-27-71; 8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1H2593) filed by Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of an additional sanitizing solution, as set forth below, on food-processing equipment and utensils that contact food. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR

2.120), § 121.2547 is amended by adding a new subparagraph (13) to paragraph (b) and by revising paragraph (c) (4), as follows:

§ 121.2547 Sanitizing solutions.

(b) * * *

(13) An aqueous solution containing elemental iodine and alkyl (C_{12} - C_{16}) monoether of mixed (ethylene-propylene) polyalkylene glycol, having a cloud point of 70° C.-77° C. in 1 percent aqueous solution and an average molecular weight of 807, together with components generally recognized as safe.

(c) * * *

(4) Solutions identified in paragraph (b) (4), (5), (6), (8), and (13) of this section will contain iodine to provide not more than 25 parts per million of titratable iodine. The adjuvants used with the iodine will not be in excess of the minimum amounts required to accomplish the intended technical effect.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall be effective on its date of publication in the FEDERAL REGISTER.

(Sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1))

Dated: September 22, 1971.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[FR Doc.71-14234 Filed 9-27-71;8:48 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1B2617) filed by Ciba-Geigy Corp., Plastics and Additives Division, Ardsley,

N.Y. 10502, and other relevant material, concludes that § 121.2566 should be amended to revise the limitations, as set forth below, on octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as to its use in olefin polymers that contact fatty foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c) (1), 72 Stat. 1786; 21

Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (9-28-71).

(Sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1))

Dated: September 22, 1971.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[FR Doc.71-14233 Filed 9-27-71;8:48 am]

SUBCHAPTER C—DRUGS

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

Cadmium Oxide; Revocation

Based on a notice of withdrawal of approval of new animal drug applications (Docket No. FDC-D-319) appearing elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended to revoke provisions for the use of cadmium oxide in animal feed supplements for use

U.S.C. 348(c) (1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566b) is amended by revising the limitations for the subject item to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

(b) List of substances:

Limitations

For use only:

1. At levels not exceeding 0.25 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4. When such polymers are used in contact with fatty food, the percentage concentration of the antioxidant and/or stabilizer multiplied by the thickness in inches of the finished olefin polymer shall not exceed a factor of 0.0025, except that concentrations of 0.05 percent or less may be used without limitation on thickness.
2. As provided in § 121.2520.

solely as an anthelmintic for poultry or swine.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512, 59 Stat. 463, as amended, 82 Stat. 343-51; 21 U.S.C. 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), § 144.26 *Animal feed containing certifiable antibiotic drugs* is amended in paragraph (b) (5) by revoking subdivision (viii).

Within 30 days after publication hereof in the FEDERAL REGISTER any person who will be adversely affected by the removal of any such drug from the market may file objections to this order stating reasonable grounds for their objections and may request a hearing on such objections. Objections and request for a hearing should be filed in quintuplicate with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852.

If a hearing is requested, the objections must identify the claimed errors in the NAS/NRC evaluation and any adequate and well-controlled investigations which would indicate conclusively that the combination drug would have the claimed effectiveness. Objections and requests for a hearing which are received in response to this order may be seen in the above office during business hours, Monday through Friday.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon.

(Secs. 507, 512, 59 Stat. 463, as amended, 82 Stat. 343-51; 21 U.S.C. 357, 360b)

Dated: September 22, 1971.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[FR Doc.71-14239 Filed 9-27-71;8:48 am]

Chapter III—Environmental
Protection Agency

PART 420—TOLERANCES AND EX-
EMPTIONS FROM TOLERANCES
FOR PESTICIDE CHEMICALS IN OR
ON RAW AGRICULTURAL COM-
MODITIES

S-(O,O-Diisopropyl Phosphorodithio-
ate) of N-(2-Mercaptoethyl)Ben-
zenesulfonamide

A petition (PP 1F1084) was filed by the Stauffer Chemical Co., 1200 South 47th Street, Richmond, CA 94804, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the herbicide S-(O,O-diisopropyl phosphorodithioate) of N-(2-mercaptoethyl)benzenesulfonamide and its oxygen analog S-(O,O-diisopropyl phosphorothioate) of N-2-mercaptoethylbenzenesulfonamide in or on the raw agricultural commodities carrots and onions (dry bulb) at 0.1 part per million.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The compound is useful for the purpose for which tolerances are being established.

2. The proposed uses are not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. The uses are classified in the category specified in § 420.6(a) (3).

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), § 420.241 is revised to read as follows:

§ 420.241 S-(O,O-Diisopropyl phosphorodithioate) of N-(2-mercaptoethyl)benzenesulfonamide; tolerances for residues.

Tolerances are established for negligible residues of the herbicide S-(O,O-diisopropyl phosphorodithioate) of N-(2-mercaptoethyl)benzenesulfonamide including its oxygen analog S-(O,O-diisopropyl phosphorothioate) of N-(2-mercaptoethyl)benzenesulfonamide in or on the raw agricultural commodities carrots, cottonseed, cucurbits, fruiting vegetables, leafy vegetables, and onions (dry bulb) at 0.1 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the objections clerk, Environmental Protection Agency, 1626 K Street NW.,

Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (9-28-71).

(Sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a (d) (2))

Dated: September 22, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.71-14214 Filed 9-27-71;8:45 am]

Title 33—NAVIGATION AND
NAVIGABLE WATERS

Chapter II—Corps of Engineers,
Department of the Army

PART 204—DANGER ZONE
REGULATIONS

Bering Sea, Alaska

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and Chapter XIX of the Army Appropriation Act of July 9, 1918, § 204.222b is hereby prescribed establishing and governing the use and navigation of a danger zone in Bering Sea near Shemya Island, Alaska, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.222b In Bering Sea, Shemya Island Area, Alaska; meteorological rocket launching facility, Alaskan Air Command, U.S. Air Force.

(a) *The danger zone.* An arc of a circle with a 40-nautical-mile radius of the launch point centered at latitude 52°44'23" N, longitude 174°05'45" E, extending clockwise from 300° true bearing to 030° true bearing, excluding that portion extending from the launch point to 3 nautical miles from shore.

(b) *The regulation.* (1) Rockets will normally be launched one each day Monday through Friday between 9 a.m. and 3 p.m. Rocket hardware will discharge into the sea 22.5 to 37.5 nautical miles off the launchsite. The instrument package with parachute will impact about 1½ hours later at an undetermined area, depending on weather conditions.

(2) All mariners entering the area will do so at their own risk and are cautioned to take evasive action as necessary.

(3) The regulation in this section shall be enforced by the Department of the

Air Force, Headquarters 6th Weather Wing (MAC), Andrews Air Force Base, Washington, D.C. 20331.

[Regs., July 23, 1971, 1522-01 (Bering Sea, Alaska)—ENGCEW-ON] (sec. 7, 40 Stat. 266, Chapter XIX, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.71-14217 Filed 9-27-71;8:46 am]

Title 50—WILDLIFE AND
FISHERIES

Chapter I—Bureau of Sport Fisheries
and Wildlife, Fish and Wildlife
Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF
WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Pos-
session of Certain Migratory Game
Birds; Amendment

1. There was published in the FEDERAL REGISTER of Thursday, September 2, 1971 (36 F.R. 17565), an amendment to § 10.53(d) (3) of this subchapter which established the daily bag limit on Canada geese in Wisconsin, outside the Horicon Zone, at one Canada goose. The table should have established the daily limit at two. Accordingly, § 10.53(d) (3) is revised to read:

§ 10.53 Seasons and limits on waterfowl, coots, gallinule, and common snipe (Wilson's).

(3) Seasons, limits, and shooting hours for Canada geese:

| | Horicon zone | Remain- der of State |
|-----------------------|-----------------|----------------------------|
| Daily bag limit..... | 1 | 2 |
| Possession limit..... | 1 | 2 |
| ... | ... | ... |

2. Section 10.53(e) on page 17566 of the FEDERAL REGISTER of September 2, 1971 (36 F.R. 17566), is amended so as to make the footnote references for the State of Wisconsin refer to the proper bag limit for Canada geese.

Accordingly, the table entry for the State of Wisconsin on page 17566 of the FEDERAL REGISTER of September 2, 1971, is amended to read:

WISCONSIN 4, 6, 23, 22.

3. An amendment to § 10.53(3), footnote 51, was published in the FEDERAL REGISTER of Saturday, September 4, 1971 (36 F.R. 17858), relating to goose hunting in the State of Wisconsin. That amendment also must be revised to conform to the daily bag limit established in the table set out above.

Accordingly, § 10.53(e), footnote 51, is amended by deleting the first paragraph

thereof. As amended, § 10.53(e) footnote 51 reads:

"In the Horicon Zone, the hunting of Canada geese is subject to the special regulations set forth in § 10.53(d).

(16 U.S.C. 703 et seq.; 40 Stat. 755)

Since these amendments correct an error, and editorially align footnote references, it is determined that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest and that these amendments are effective upon publication in the FEDERAL REGISTER.

Effective date: Upon publication in the FEDERAL REGISTER (9-28-71).

J. P. LINDUSKA,
*Acting Director, Bureau of
Sport Fisheries and Wildlife.*

SEPTEMBER 22, 1971.

[FR Doc.71-14224 Filed 9-27-71;8:46 am]

PART 32—HUNTING

Des Lacs National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-28-71).

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

NORTH DAKOTA

DES LACS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Des Lacs National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 17,740 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State

Regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 12 and from sunrise to sunset November 13, 1971 through November 21, 1971.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State Officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 21, 1971.

DONALD E. LINDBERG,
*Acting Refuge Manager, Des
Lacs National Wildlife Refuge,
Kenmare, N. Dak.*

SEPTEMBER 21, 1971.

[FR Doc.71-14223 Filed 9-27-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

[17 CFR Part 1]

GENERAL REGULATIONS UNDER COMMODITY EXCHANGE ACT

Recordkeeping

Notice is hereby given, in accordance with the Administrative Procedure Provisions of 5 U.S.C. section 553, that the Secretary of Agriculture, pursuant to the authority of sections 4g and 5 of the Commodity Exchange Act (7 U.S.C. 6g, 7) is considering the amendment of § 1.35 of the general regulations under the Commodity Exchange Act (17 CFR 1.35) by inserting between paragraphs (a) and (b) new paragraph (a-1) to read as follows:

§ 1.35 Records of cash commodity and futures transactions.

(a-1) *Futures Commission Merchants and Members of Contract Markets; Recording of Customers' Orders.* (1) Each futures commission merchant receiving a customer's order shall immediately upon receipt thereof prepare a written record of such order, including the account identification and order number, and shall record thereon, by time-stamp or other timing device, the date and time, to the nearest minute, the order is received.

(2) Each member of a contract market who on the floor of such contract market receives a customer's order which is not in the form of a written record including the account identification, order number and the date and time, to the nearest minute, such order was transmitted or received on the floor of such contract market, shall immediately upon receipt thereof prepare a written record of such order, including the account identification and order number and shall record thereon, by time-stamp or other timing device, the date and time, to the nearest minute, the order is received.

(3) Each member of a contract market reporting the execution of a customer's order from the floor of a contract market shall record on a written record of such order, including the account identification and order number, by time-stamp or other timing device, the date and time, to the nearest minute, such report of execution is made.

The purpose of the proposed amendment is to further protect persons trading in commodity futures by prescribing a minimum form and manner for recording customers' orders. Contract markets on which over 95 percent of all

regulated commodity futures transactions are made already require their members to prepare records of customers' orders. The proposed regulation would standardize and increase the scope of such recordkeeping requirements.

It is proposed that this amendment, if adopted, be made effective 30 days after publication of a notice of amendment in the FEDERAL REGISTER.

Any person who wishes to submit written data, views, or arguments on the proposed amendments to the regulations may do so by filing them with the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be available for public inspection in the Office of the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, between the hours of 8:30 a.m. and 5 p.m. on any business day.

Issued: September 23, 1971.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.71-14258 Filed 9-27-71;8:50 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 14]

RELEASING OF ADVISORY VALUE INFORMATION PRIOR TO ARRIVAL OR SHIPMENT OF MERCHANDISE

Notice of Proposed Rule Making

Notice is hereby given pursuant to the authority contained in section 251 of the Revised Statutes, as amended, section 624, 46 Stat. 759 (19 U.S.C. 66, 1624), that, in order to be of further assistance to prospective importers, it is proposed to amend § 14.4 to permit the district director of Customs to furnish prospective importers with the latest value information in his possession upon request. Hereofore, such information was supplied only if the goods had already been exported to the United States. Information which would be supplied if the amendment is adopted would be of an advisory nature only and supplying such information would not prevent appraisal at different values from those supplied if such appraisal should be appropriate in the circumstances of the actual importation.

Therefore, it is proposed to amend § 14.4(b) of the Customs Regulations as tentatively set forth below:

In § 14.4, paragraph (b) is amended by deleting the phrase "and only after the merchandise has arrived at the port of entry or upon satisfactory evidence that it has been exported and is en route to the United States" so that the paragraph will read as follows:

§ 14.4 Furnishing information as to value.

(b) The information shall be given only in regard to merchandise to be appraised by, or under the jurisdiction of, the district director who receives the request.

Consideration will be given to relevant data, views, or arguments pertaining to the proposed amendment which are submitted to the Commissioner of Customs, Washington, D.C. 20226, and received no later than 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3(b)) at the Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: September 16, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[FR Doc.71-14256 Filed 9-27-71;8:50 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 281]

[General Order 12, proposed 2d Rev.]

INFORMATION AND PROCEDURE REQUIRED UNDER OPERATING- DIFFERENTIAL SUBSIDY AGREEMENTS

Notice of Proposed Rule Making

The purpose of this notice is to publish for comment the proposed information and procedures required under Operating-Differential Subsidy Agreements (General Order 12, proposed 2d Rev.). The reason for the proposed change in information and procedure requirements is to make available to the Assistant Secretary of Commerce for Maritime Affairs financial information by March 31st, rather than May 15th, as presently provided. In addition, a new paragraph (h) requiring that footnotes be included with the financial statements was added.

While the Operating-Differential Subsidy Program is exempt from the requirements of section 4 Administrative Procedure Act (5 U.S.C. 553), the Assistant Secretary invites interested parties to submit written comments on the proposed revision to the General Order for his consideration, in triplicate, to the Secretary, Maritime Administration, Washington D.C. 20235, by the close of business on October 29, 1971.

§ 281.1 Information and procedure required under the operating-differential subsidy agreement.

In compliance with the terms of the operating-differential subsidy agreement, the following information shall be submitted to the Maritime Administration by each operator who is a party to any such agreement.

(a) *Sailing schedules, routes, etc.* (1) One copy of a list of sailings is required to be submitted not later than the 5th day of each month, listing each outbound sailing during the preceding month. Such list shall show for each such sailing: (i) Vessel name; (ii) voyage number; (iii) last continental U.S. port; (iv) sailing date; and (v) the service on which the sailing took place.

(2) A "Final Report" in five copies shall be submitted not later than 15 days after the end of the month in which the voyage is terminated and shall show: (i) The time and ports at which the voyage commenced and terminated; (ii) the arrival and sailing dates of the vessel at and from each United States and foreign port, including ports of call for bunkering and/or mail only; (iii) explanation of any delay in excess of 2 days at a United States or foreign port; (iv) appropriate notation of official authorization for any deviations from the service described in the applicable contract.

(3) The procedures outlined in subparagraphs (1) and (2) of this paragraph shall be effective on the first of the month following publication in the FEDERAL REGISTER.

(4) The sailing schedules and lists of sailings specified in this paragraph shall be sent to the Division of Trade Studies, Office of Subsidy Administration, Maritime Administration, Washington, D.C. 20235.

(b) *Condition of Vessels, inspection and repairs.* (1) In order that the Maritime Administration may have an opportunity to participate in the inspection of the vessels, the operator is required to give at least 24 hours' notice to the Maritime Administration as to the time and place of making inspections. In the event the Maritime Administration's representative is not available, the operator shall employ an independent surveyor, who shall be satisfactory to the Maritime Administration, and proceed with inspection, and a report thereof shall be made to the Maritime Administration on forms MA-55, MA-56, MA-57 and MA-58, sworn to by persons making the inspection.

(2) The operator shall give due notice to the local office of the Division of Maintenance and Repair, at the port at

which the vessel is to be available, of the port, date and time for the making of repairs or replacements in the United States.

(3) In connection with further requirements, reference is made to Part 271 of this chapter (General Order 20, 3d Rev.) and supplements thereto for more detailed instruction.

(4) Vessel repairs are to be performed within the continental limits of the United States, except in emergency cases the necessity for which the operator should be prepared to justify upon audit.

(c) *Insurance.* (1) Immediately upon the binding of any insurance with respect to any vessel covered by the operator's subsidy agreement, there shall be submitted to the Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235, for the Maritime Administration's approval, a signed copy of each cover note issued by the operator's brokers, which, to the extent applicable, shall set forth as to such vessel the amounts covered by hull, disbursements and other forms of total loss protection, as well as P&I insurance. Such cover notes shall include the rates, the amounts placed in the different markets, the companies interested, the policy numbers and the amount underwritten by each policy; also, there shall be shown the amount of the deductible average, if any. Upon request, policies shall be submitted to the Maritime Administration for examination and return.

(2) The Maritime Administration shall be advised promptly of any cancellation, changes in terms, or companies interested, and of any lay-up periods which will permit of the collection of return premiums, and of any major casualty or total loss which may occur.

(3) Insurance arranged in conformity with the requirements of applicable mortgages held by the United States will be deemed sufficient to comply with the requirements of the operator's operating-differential subsidy agreement.

(4) The Maritime Administration, furthermore, wishes to emphasize its desire that as much of the American Merchant Marine insurance coverage as is practicable be placed in the American insurance market. Therefore, when a renewal of policies or new insurance is under negotiation by an operator subject to the provisions of this order, it is urgently requested that particular attention be given to the Maritime Administration's desire as herein expressed with regard to markets in which such insurance may be placed, and that the Maritime Administration be notified in ample time to give consideration to the pertinent facts and circumstances of each case, so that prior to the attachment of such insurance, approval thereof or suggested changes may be indicated.

(d) *Inventories.* Twenty-four hours' notice shall be given to the Maritime Administration as to the time and place of inventorying classification-required spare parts, ship's spare equipment, fuel and stores as are customarily inventoried and the cost of which is charged to the voyage accounts. If, upon giving the

above-required notice, the Maritime Administration's representatives are not present, the operator is to proceed with his inventory in the normal way. The operator may use his own inventory forms, one copy of which shall be sworn to by the persons taking the inventory, and included in the voyage accounting.

(e) *Partial payment on account.* When partial payments are desired on account of operating-differential subsidy accruals, the operator should communicate with the Chief, Office of Finance, Maritime Administration, Washington, D.C. 20235, who shall forward necessary instructions and forms to be used.

(f) *Current financial reports.* Current financial reports are to be submitted by each operator in the manner described below:

(1) *Balance Sheet:* To be prepared as of March 31st, June 30th, September 30th and December 31st, of each calendar year, in conformity with the specimen appended to the Uniform System of Accounts prescribed in Part 282 of this chapter (General Order 22, Rev.), and submitted in triplicate as soon as practicable but not later than forty-five (45) days after each of the aforesaid dates, except that in lieu of the Balance Sheet prepared as of December 31st of each year there shall be submitted a copy of the Balance Sheet as shown in Maritime Administration Form 172 Financial Report as soon as practicable but in any event not later than March 31st of each year.

(2) *Income Sheet:* An income sheet shall be prepared for the period January 1 to March 31 of each calendar year, and from January 1 to the end of each succeeding quarter of the calendar year, in conformity with the specimen appended to the Uniform System of Accounts prescribed in Part 282 of this chapter (General Order 22, Rev.), and submitted in triplicate as soon as practicable but not later than forty-five (45) days after the end of the respective periods, except that in lieu of the Income Sheet prepared as of December 31st of each year there shall be submitted a copy of the Income Sheet as shown in Maritime Administration Form 172 Financial Report as soon as practicable but in any event not later than March 31st of each year. These statements shall include completed voyage accountings for all voyages which terminated during the period.

(3) *Summary vessel operating statements by service and vessel type:*

(i) A summary vessel operating statement shall be prepared for each service by vessel type (C-2, C-3 etc.) within each service in conformity with the voyage operating statements provided for in the Uniform Annual Report form prescribed by the Maritime Administration. These statements will be prepared semiannually for the period January 1 to June 30 for each calendar year and from January 1 to the end of said calendar year. Separate statements will be prepared for subsidized and nonsubsidized voyages.

(ii) Summary statements are to be prepared and transmitted in triplicate

and concurrently with the second and fourth quarter Balance Sheet and Income Statements required under subparagraphs (1) and (2) of this paragraph, and must reconcile with the voyage revenue and expense from all operations as reported in the Income Sheet.

(4) The current financial reports specified in this section shall be sent to the Chief, Office of Finance, Maritime Administration.

(g) *General.* All reports and other communications called for by the foregoing should be addressed to the Secretary, Maritime Administration, Washington, D.C. 20235.

(h) *Footnotes.* The financial statements required by subparagraphs (1) and (2) of paragraph (f) of this section shall include whatever management footnotes are necessary to make a fair financial presentation of the company position at the respective reporting dates.

(Sec. 204, 49 Stat. 1987, amended; 46 U.S.C. 1114)

Dated: September 23, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Administration.

[FR Doc.71-14266 Filed 9-27-71;8:50 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Parts 1518, 1910]

SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Notice of Proposed Rulemaking

Section 1518.1051 of Title 29, Code of Federal Regulations, published on April 17, 1971 (36 F.R. 7410), invited interested persons to petition for modification of safety and health standards as they relate to light residential construction. Recommendations received from interested persons and proposals prepared by the Occupational Safety and Health Administration, Department of Labor, were submitted to the Advisory Committee on Construction Safety and Health for its review and recommendations. Upon consideration of the recommendations of the Advisory Committee, and pursuant to authority in section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593), section 107 of the Contract Work Hours and Safety Standards Act, as amended (83 Stat. 96), and in 29 CFR Part 1911 (36 F.R. 17506), I hereby propose to amend Parts 1518 and 1910 of Title 29, Code of Federal Regulations, as set forth below.

Interested persons are invited to submit data, views, and arguments concerning the proposed changes, both orally and in writing.

Written data, views, and arguments may be mailed to the Office of Safety and Health Standards, Room 305, 400 First Street NW., Washington, DC 20210, within 30 days after the publication of this notice in the FEDERAL REGISTER. The data, views, and arguments will be available for public inspection and copying at the Office of Safety and Health Standards, except as to matters the disclosure of which is prohibited by law.

Oral data, views, and arguments will be received by Hearing Examiner E. West Parkinson at a hearing beginning at 10 a.m. on November 10, 1971, in Conference Room B, Departmental Auditorium, Constitution Avenue NW., between 12th and 14th Streets NW., Washington, DC. Persons desiring to appear at the hearing must file with the Office of Safety and Health Standards a notice of intention to appear, no later than October 29, 1971. The notice must state the name and address of the person to appear, the capacity in which he will appear, and the approximate amount of time required for his presentation. The notice must also include, or be accompanied by, a statement of the position to be taken with regard to each specified proposed amendment, and of the evidence to be adduced in support of the position.

The hearing shall be conducted in accordance with the rules of procedure in 29 CFR Part 1911.

After consideration of all relevant written submissions and of the record of the hearing, such regulations will be issued as will be deemed warranted.

The rules (standards) published in Part 1518 which are listed below and which would be amended by proposals published in this notice are hereby stayed pending the completion of this rulemaking proceeding. The remaining standards published in Part 1518 are to be effective in accordance with the provisions of 29 CFR 1518.1051 (36 F.R. 15437, August 14, 1971) with respect to the Construction Safety Act and 29 CFR 1910.17 (36 F.R. 15438, August 14, 1971) with respect to the Williams-Steiger Occupational Safety and Health Act of 1970.

The stay applies to the following rules:

SECTIONS

1518.20(b) (3).
1518.50 (b) and (c).
1518.51(f).
1518.58.
1518.104(a).
1518.105 (c) and (d).
1518.150(c) (1) (i), (ii), (iii), and (v); and (d) (1) (i) and (d) (2).
1518.152(b) (1) and (2).
1518.154 (d) and (e) (3).
1518.251(b) (3).
1518.252(a).
1518.300(d).
1518.351(b) (4).
1518.401 (i) and (j) (3).
1518.402(d).
1518.404(b).
1518.451 (a) (10), (b) (16), and (m) (4).
1518.500 (b) (4) and (c).
1518.550(a) (3).
1518.600(a) (3) (ii).
1518.601(b) (13).
1518.651 (a) and (h).
1518.652 (a) and (k).
1518.700 (b) (1) and (d) (3).
1518.750 (b) (1) (i) and (c) (2).

A. Proposed amendments to Part 1910 of Title 29, Code of Federal Regulations:

1. Section 1910.12 is hereby proposed to be amended by revising paragraph (a) and adding thereto a new paragraph (c). As amended, § 1910.12 would read as follows:

§ 1910.12 Construction work.

(a) *Standards.* The standards prescribed in Part 1518 of this title are adopted as occupational safety and health standards under section 6 of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in construction work. Each employer shall protect the employment and places of employment of each of his employees engaged in construction work by complying with the appropriate standards prescribed in this paragraph.

(c) *Construction Safety Act distinguished.* This section prescribes as occupational safety and health standards under section 6 of the Act the standards which are prescribed in Part 1518 of this title. Thus, the standards (substantive rules) published in Subpart C and the following subparts of Part 1518 are applied. This section does not incorporate Subparts A and B of Part 1518. Subparts A and B have pertinence only to the application of section 107 of the Contract Work Hours and Safety Standards Act (the Construction Safety Act). For example, the interpretation of the term "subcontractor" in paragraph (c) of § 1518.13 of this title is significant in discerning the coverage of the Construction Safety Act and duties thereunder. However, the term "subcontractor" has no significance in the application of the Act, which was enacted under the Commerce Clause and which establishes duties for "employers" which are not dependent for their application upon any contractual relationship with the Federal Government or upon any form of Federal financial assistance.

2. Part 1910 of Title 29, Code of Federal Regulations, is proposed to be amended by adding to Subpart B thereof a new § 1910.18 to read as follows:

§ 1910.18 Changes in established Federal standards.

Whenever an occupational safety and health standard adopted and incorporated by reference in this Subpart B is changed pursuant to section 6(b) of the Act and the statute under which the standard was originally promulgated, and in accordance with 29 CFR Part 1911, the standard shall be deemed changed for purposes of that statute and this Subpart B, and shall apply under this Subpart B. For the purposes of this section, a change in a standard includes any amendment, addition, or repeal, in whole or in part, of any standard.

B. Proposed amendments to Part 1518 of Title 29, Code of Federal Regulations:

1. Section 1518.13 is proposed to be amended by revising paragraph (c) thereof. As amended, § 1518.13 would read as follows:

§ 1518.13 Interpretation of statutory terms.

(c) The term "subcontractor" under section 107 is considered to mean a person who agrees to perform any part of the labor or material requirements of a contract for construction, alteration or repair. Cf. *MacEvoy Co. v. United States*, 322 U.S. 102, 108-9 (1944). A person who undertakes to perform a portion of a contract involving the furnishing of supplies or materials will be considered a "subcontractor" under this part and section 107 if the work in question involves the performance of construction work and is to be performed: (1) Directly on or near the construction site, or (2) by the employer for the specific project on a customized basis. Thus, a supplier of materials which will become an integral part of the construction is a "subcontractor" if the supplier fabricates or assembles the goods or materials in question specifically for the construction project and the work involved may be said to be construction activity. If the goods or materials in question are ordinarily sold to other customers from regular inventory, the supplier is not a "subcontractor." An example of material supplied "for the specific project on a customized basis" as that phrase is used in this section would be ventilating ducts, fabricated in a shop away from the construction jobsite and specifically cut for the project according to design specifications. On the other hand, if a contractor buys standard size nails from a foundry, the foundry would not be a covered "subcontractor." Ordinarily a contract for the supplying of construction equipment to a contractor would not, in and of itself, be considered a "subcontractor" for purposes of this part.

2. Section 1518.20 is proposed to be amended by revising paragraph (b) (3) thereof. As amended, § 1518.20 would read as follows:

§ 1518.20 General safety and health provisions.

(b) * * *

(3) The use of any machinery, tool, material, or equipment which is not in compliance with any applicable requirement of this part is prohibited. Such machine, tool, material, or equipment shall either be identified as unsafe by tagging or locking the controls to render them inoperable or shall be physically removed from its place of operation.

3. Section 1518.21 is proposed to be amended by placing its present text in subdivision (i) and by adding new text in subdivision (ii) to paragraph (b) (6). As amended § 1518.21 would read as follows:

§ 1518.21 Safety training and education.

(b) * * *

(6) (i) All employees required to enter into confined or enclosed spaces shall be instructed as to the nature of the hazards involved, the necessary precau-

tions to be taken, and in the use of protective and emergency equipment required. The employer shall comply with any specific regulations that apply to work in dangerous or potentially dangerous areas.

(ii) For purposes of subdivision (i) of this subparagraph, "confined or enclosed space" means any space having a limited means of egress, which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines, and open top spaces more than 4 feet in depth such as pits, tubs, vaults, and vessels.

4. Section 1518.32 is proposed to be amended by deleting the fourth sentence of paragraph (i) and adding a new paragraph (s). As amended § 1518.32 would read as follows:

§ 1518.32 Definitions.

(i) "Employee" means every laborer or mechanic under the Act regardless of the contractual relationship which may be alleged to exist between the laborer and mechanic and the contractor or subcontractor who engaged him. "Laborer and mechanic" are not defined in the Act, but the identical terms are used in the Davis-Bacon Act (40 U.S.C. 276a), which provides for minimum wage protection on Federal and federally assisted construction contracts. The use of the same term in a statute which often applies concurrently with section 107 of the Act has considerable precedential value in ascertaining the meaning of "laborer and mechanic" as used in the Act. "Laborer" generally means one who performs manual labor or who labors at an occupation requiring physical strength; "mechanic" generally means a worker skilled with tools. See 18 Comp. Gen. 341.

(s) "Pressure vessel" means any closed container used, equipped, adapted, or capable of being used for confinement of a liquid or gas under pressure greater or less than atmospheric, or any closed container equipped, adapted, or otherwise capable of being attached to any system or device which can induce a pressure greater or less than atmospheric.

5. Section 1518.50 is proposed to be revised to read as follows:

§ 1518.50 Medical services and first aid.

(a) The employer shall insure the availability of medical personnel for advice and consultation on matters of occupational health.

(b) Provisions shall be made prior to commencement of the project for prompt medical attention in case of serious injury.

(c) If no infirmary, clinic, or hospital can be reached within 15 minutes from any point on the worksite, a person or persons who have a valid certificate in first aid training from the U.S. Bureau

of Mines or the American Red Cross shall be available to render first aid.

(d) (1) First aid supplies recommended by the consulting physician shall be easily accessible when required.

(2) The first aid kit shall consist of materials recommended by the consulting physician in a waterproof container with individual sealed packages for each type of item. The contents of the first aid kit shall be checked by the employer before being sent out on each job and at least weekly on each job to ensure that the expended items are replaced.

(e) Proper equipment for prompt transportation of the injured person to a physician or hospital, or a communication system for contacting necessary ambulance service, shall be provided.

6. Section 1518.51 is proposed to be amended by adding a heading to Table D-1 of paragraph (c) (1) and revising paragraph (f) thereof. As amended § 1518.51 would read as follows:

§ 1518.51 Sanitation.

(c) *Toilets at construction job sites.*
(1) Toilets shall be provided for employees according to the following table:

TABLE D-1

| Number of employees | Minimum number of facilities |
|---------------------|--|
| 20 or less--- | 1. |
| 20 or more--- | 1 toilet seat and 1 urinal per 40 workers. |
| 200 or more-- | 1 toilet seat and 1 urinal per 50 workers. |

(f) *Washing facilities.* The employer shall provide adequate washing facilities for employees engaged in the application of paints, coating, herbicides, or insecticides, or in other operations where contaminants may be harmful to the employees. Such facilities shall be in near proximity to the worksite and shall be so equipped as to enable employees to remove such substances.

(g) [Revoked]

7. Section 1518.52 is proposed to be amended by revising paragraph (d) (2) thereof. As amended, § 1518.52 would read as follows:

§ 1518.52 Occupational noise exposure.

(d) * * *

(2) (i) When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect should be considered, rather than the individual effect of each. Exposure to different levels for various periods of time shall be computed according to the formula set forth in subdivision (ii) of this subparagraph.

(ii)

$$F_e = \frac{T_1}{L_1} + \frac{T_2}{L_2} + \dots + \frac{T_n}{L_n}$$

where:

F_e = The equivalent noise exposure factor.
 T = The period of noise exposure at any essentially constant level.

L = The duration of the permissible noise exposure at the constant level (from Table D-2).

If the value of F_e exceeds unity (1) the exposure exceeds permissible levels.

(iii) A sample computation showing an application of the formula in subdivision (ii) of this paragraph is as follows. An employee is exposed at these levels for these periods:

110 dbA $\frac{1}{4}$ hour
100 dbA $\frac{1}{2}$ hour
90 dbA $1\frac{1}{2}$ hours.

$$F_c = \frac{\frac{1}{4}}{\frac{1}{2}} + \frac{\frac{1}{2}}{2} + \frac{1\frac{1}{2}}{8}$$

$$F_c = .500 + .25 + .188$$

$$F_c = .938$$

Since the value of F_c does not exceed unity, the exposure is within permissible limits.

8. Section 1518.55 is proposed to be amended by revising paragraph (b) thereof. As amended § 1518.55 would read as follows:

§ 1518.55 Gases, vapors, fumes, dusts, and mists.

(b) To achieve compliance with paragraph (a) of this section, administrative or engineering controls must first be implemented whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed in this section. Any equipment and technical measures used for this purpose must first be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used, their use shall comply with § 1518.103.

9. Section 1518.57 is proposed to be amended by revising paragraph (a) thereof. As amended § 1518.57 would read as follows:

§ 1518.57 Ventilation.

(a) *General.* Whenever hazardous substances such as dusts, fumes, mists, vapors, or gases exist or are produced in the course of construction work, their concentrations shall not exceed the limits specified in § 1518.55(a). When ventilation is used as the engineering control method, the system shall be installed and operated according to the requirements of this section.

10. Section 1518.58 is revoked.

§ 1518.58 [Revoked]

11. Section 1518.100 is proposed to be amended by revising paragraph (a) thereof. As amended § 1518.100 would read as follows:

§ 1518.100 Head protection.

(a) Employees working in areas where there is a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns, shall be protected by protective helmets.

12. Section 1518.104 is proposed to be amended by revising paragraph (a) thereof. As amended § 1518.104 would read as follows:

§ 1518.104 Safety belts, lifelines, and lanyards.

(a) Lifelines, safety belts, and lanyards shall be used only for employee safeguarding. Any lifeline, safety belt, or lanyard actually subjected to inservice loading, as distinguished from static load testing, shall be immediately removed from service and shall not be used again for employee safeguarding.

13. Section 1518.105 is proposed to be amended by extending paragraph (c) and revising paragraph (d) thereof. As amended § 1518.105 would read as follows:

§ 1518.105 Safety nets.

(c) Nets shall extend 8 feet beyond the edge of the work surface where employees are exposed and shall not be more than 10 feet below such edge.

(d) The mesh size of nets shall not exceed 6 inches by 6 inches. All new nets shall meet accepted performance standards of 17,500 foot-pounds minimum impact resistance as determined and certified by the manufacturers, and shall bear a label of proof test. Edge ropes shall provide a minimum breaking strength of 5,000 pounds.

14. Section 1518.150 is proposed to be amended by revising paragraph (c) (1) and by revising paragraph (d) (1) and (2) thereof. As amended § 1518.150 would read as follows:

§ 1518.150 Fire protection.

(c) *Fire extinguishers and small hose lines.* (i) A fire extinguisher, rated not less than 2A, shall be provided for each 3,000 square feet of the protected building area, or major fraction thereof. Travel distance from any point of the protected area to the nearest fire extinguisher shall not exceed 100 feet.

(ii) One 55-gallon open drum of water with two fire pails may be substituted for a fire extinguisher having a 2A rating.

(iii) A $\frac{1}{2}$ -inch-diameter garden-type hose line, not to exceed 100 feet in length and equipped with a nozzle, may be substituted for a 2A-rated fire extinguisher, provided it is capable of discharging a minimum of 5 gallons per minutes with a minimum hose stream range of 30 feet horizontally. The garden type hose lines shall be mounted on conventional racks or reels. The number and location of hose racks or reels shall be such that at least one hose stream can be applied to all points in the area.

(iv) One or more fire extinguishers, rated not less than 2A, shall be provided on each floor. In multistory buildings, at least one fire extinguisher shall be located adjacent to stairway.

(v) Extinguishers and water drums, subject to freezing, shall be protected from freezing.

(vi) A fire extinguisher, rated not less than 10B, shall be provided within 50 feet of wherever more than 5 gallons of

flammable or combustible liquids or 5 pounds of flammable gas are being used on the jobsite. This requirement does not apply to the integral tanks of motor vehicles.

(vii) Carbon tetrachloride and other toxic vaporizing liquid fire extinguishers are prohibited.

(viii) Portable fire extinguishers shall be inspected periodically and maintained in accordance with Maintenance and Use of Portable Fire Extinguishers, NFPA No. 10A-1970.

(ix) Fire extinguishers which have been listed or approved by a nationally recognized testing laboratory, shall be used to meet the requirements of this subpart.

(x) Table F-1 may be used as a guide for selecting the appropriate portable fire extinguishers.

(d) *Fixed firefighting equipment—(1) Sprinkler protection.* If the facility being constructed includes the installation of automatic sprinkler protection, the installation shall closely follow the construction and be placed in service as soon as applicable laws permit following completion of each story.

(2) *Standpipes.* In all structures in which standpipes are required, or where standpipes exist in structures being altered, they shall be brought up as soon as applicable laws permit, and shall be maintained as construction progresses in such a manner that they are always ready for fire protection use. The standpipes shall be provided with Siamese fire department connections on the outside of the structure, at the street level, which shall be conspicuously marked. There shall be at least one standard hose outlet at each floor.

15. Section 1518.152 is proposed to be amended by amending subparagraphs (1) and (2) of paragraph (b) thereof. As amended § 1518.152 would read as follows:

§ 1518.152 Flammable and combustible liquids.

(b) *Indoor storage of flammable and combustible liquids.* (1) No more than 25 gallons of flammable or combustible liquids shall be stored in a room outside of an approved storage cabinet.

(2) Quantities of flammable and combustible liquid in excess of 25 gallons shall be stored in an acceptable or approved cabinet meeting the following requirements:

16. Section 1518.154 is proposed to be amended by revising paragraphs (d) and (e) (3) thereof. As amended § 1518.154 would read as follows:

§ 1518.154 Temporary heating devices.

(d) *Solid fuel salamanders.* Solid fuel salamanders are prohibited in buildings and on scaffolds.

(e) *Heaters* which are not designed for flue connection shall be equipped with

integral tanks having capacity of not more than 5 gallons.

17. Section 1518.200 is proposed to be amended by revising paragraph (i) thereof. As amended § 1518.200 would read as follows:

§ 1518.200 Accident prevention signs and tags.

(i) *Additional rules.* American National Standards Institute (ANSI) Z35.1-1968, Specifications for Accident Prevention Signs, and Z35.2-1968, Specifications for Accident Prevention Tags, contain rules which are additional to the rules prescribed in this section. The employer shall comply with ANSI Z35.1-1968 and Z35.2-1968 with respect to rules not specifically prescribed in this subpart.

18. Section 1518.251 is proposed to be amended by adding to paragraph (b) a new subparagraph (6). As amended § 1518.251 would read as follows:

§ 1518.251 Rigging equipment for material handling.

(b) * * *

(6) Special custom design grabs, hooks, clamps, or other lifting accessories, installed in such units as modular panels, prefabricated structures and similar materials, shall be marked to indicate the safe working loads and shall be tested prior to use to 125 percent of their rated load.

19. Section 1518.252 is proposed to be amended by revising paragraph (a) thereof. As amended § 1518.252 would read as follows:

§ 1518.252 Disposal of waste materials.

(a) Whenever materials are dropped more than 20 feet to any point lying outside the exterior walls of the building, an enclosed chute of wood, or equivalent material, shall be used. For the purpose of this paragraph, an enclosed chute is a slide, closed in on all sides, through which material is moved from a high place to a lower one.

20. Section 1518.300 is proposed to be amended by revising paragraph (d) thereof. As amended § 1518.300 would read as follows:

§ 1518.300 General requirements.

(d) *Switches.* (1) All hand-held powered platen sanders, grinders with wheels 2-inch diameter or less, routers, planers, laminate trimmers, nibblers, shears, scroll saws and jigsaws with blade shanks one-fourth of an inch wide or less may be equipped with only a positive on-off control.

(2) All hand-held powered drills, tappers, fastener drivers, horizontal and angle grinders with wheels greater than 2 inches in diameter, disc sanders, belt sanders, reciprocating or saber saws with blade shanks less than three-eighths of an inch wide and other similar operating

powered tools shall be equipped with a momentary contact ON-OFF control and may have a lock-on control provided that turn-off can be accomplished by a single motion of the same finger or fingers that turn it on.

(3) All other hand-held powered tools, such as circular saws, chain saws, vertical grinders, percussion tools without positive accessory holding means, reciprocating or saber saws with blade shanks three-eighths of an inch wide or more, shall be equipped with a constant pressure switch that will shut off the power when the pressure is released.

(4) The requirements of this paragraph shall become effective on February 15, 1972.

21. Section 1518.303 is proposed to be amended by revising paragraphs (b) and (d) thereof. As amended § 1518.303 would read as follows:

§ 1518.303 Abrasive wheels and tools.

(b) *Guarding.* Grinding machines shall be equipped with safety guards in conformance with the requirements of American National Standards Institute, B7.1-1970, Safety Code for the Use, Care and Protection of Abrasive Wheels, and paragraph (d) of this section.

(d) *Other requirements.* All abrasive wheels and tools used by employees shall meet other applicable requirements of American National Standards Institute, B7.1-1970, Safety Code for the Use, Care and Protection of Abrasive Wheels.

22. Section 1518.401 is proposed to be amended by amending paragraphs (h) and (i) and paragraph (j) (3) thereof. As amended § 1518.401 would read as follows:

§ 1518.401 Grounding and bonding.

(h) *Temporary wiring.* All temporary wiring shall be effectively grounded in accordance with the National Electrical Code, NFPA No. 70-1968 (see Articles 200 and 250).

(i) *Construction site.* Precautions shall be taken to make any necessary open wiring inaccessible to unauthorized personnel.

(j) * * *

(3) Working spaces, walkways, and similar locations shall be kept clear of cords so as not to create a hazard to employees.

23. Section 1518.402 is proposed to be amended by revising paragraph (d) thereof. As amended § 1518.402 would read as follows:

§ 1518.402 Equipment installation and maintenance.

(d) *Transformers.* (1) Energized transformers and other related electrically energized equipment over 150 volts to ground shall be protected so as to prevent accidental contact with any person. Protection shall be provided by in-

dividual integrated housing or by an enclosure which accommodates a group of such equipment. Metallic enclosures shall be grounded.

(2) Access to energized equipment covered by subparagraph (1) of this paragraph shall be secured by lock or other fasteners requiring the use of tools to open them.

(3) Signs indicating danger and prohibiting unauthorized access shall be conspicuously displayed on the housing or other enclosure protecting the equipment.

(4) Transformers mounted on utility poles at a height of more than 12 feet from the ground are exempt from the requirements of this paragraph.

24. Section 1518.404 is proposed to be amended by revising paragraph (b) thereof. As amended § 1518.404 would read as follows:

§ 1518.404 Hazardous locations.

(b) All components and utilization equipment used in a hazardous location shall be chosen from among those listed by the Underwriters' Laboratories, Inc., or Factory Mutual Engineering Corp., except custom-made components and utilization equipment.

25. Section 1518.450 is proposed to be amended by revising paragraph (a) (7) thereof. As amended § 1518.450 would read as follows:

§ 1518.450 Ladders.

(a) * * *

(7) Portable ladders shall be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). The ladder shall be so placed as to prevent slipping, or it shall be lashed, or held in position. Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds.

26. Section 1518.451 is proposed to be amended by revising paragraphs (a) (10), (b) (16), (h) (13), (m) (4), and (f) (3) (ii). As amended § 1518.451 would read as follows:

§ 1518.451 Scaffolding.

(a) * * *

(10) All planking shall be Scaffold Grades, or equivalent, as recognized by approved grading rules for the species of wood used. The maximum permissible spans for 2- x 10-inch or wider planks shall be as shown in the following: * * *

(16) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with Tables L-4 to 10. If they are over 60 feet in height, they shall be designed by a qualified engineer competent in this field, and it shall be constructed and erected in accordance with such design.

(h) * * *

(13) When employees are at work on the scaffold and an overhead hazard exists, overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking, or material of equivalent strength, laid tight, and extending not less than the width of the scaffold.

(m) * * *

(4) No more than two employees shall occupy any given 8 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(r) * * *

(3) * * *

(ii) Planking 2 x 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.

27. Section 1518.500 is proposed to be amended by revising subparagraph (4) of paragraph (b) and subparagraph (2) of paragraph (d) thereof. As amended, § 1518.500 would read as follows:

§ 1518.500 Guardrails, handrails, and covers.

(b) * * *

(4) Wherever there is danger of falling through a skylight opening, it shall be guarded by a fixed standard railing on all exposed sides or a cover capable of sustaining the weight of a 200-pound person.

(d) * * *

(2) Runways shall be guarded by a standard railing, or the equivalent, as specified in paragraph (f) of this section, on all open sides, 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toe board shall also be provided on each exposed side.

28. Section 1518.502 is proposed to be amended by adding thereto a new paragraph (c). As amended, § 1518.502 would read as follows:

§ 1518.502 Definitions applicable to this subpart.

(c) "Wall opening"—an opening at least 30 inches high and 18 inches wide, in any wall or partition, through which persons may fall, such as a yard-arm doorway or chute opening.

29. Section 1518.550 is proposed to be amended by revising paragraph (a) (3) and (16), and paragraph (e) thereof. As amended § 1518.550 would read as follows:

§ 1518.550 Cranes and derricks.

(a) * * *

(3) (i) A boom angle indicator shall be provided and maintained in proper working order. It shall be located in such

a position that the angle of the boom can be readily determined from the operator's position.

(ii) All cranes and derricks used in lifting operations shall be equipped with a load indicating device, a load moment device, or a device that prevents an overload condition, except when used under the following conditions:

(a) Cranes used in operations utilizing clamshells, draglines, and other excavating attachments;

(b) Cranes used in loading and unloading operations where the weight of the load can be certified as being less than 50 percent of the rated capacity of the machine's configuration at time of use. (Certified for the purpose of this requirement means that the weight certified is warranted to be accurate.)

(iii) The type or model of any load indicating device used shall provide a direct means of indication so that posted charts and aids visible to the operator, will enable him to determine the actual weight being lifted, or its ratio to the rated capacity of the equipment under the conditions of use.

(iv) The type or model of any automatic load moment device shall provide direct indications, at the operator's position, of the relationship of the load in percentage or otherwise to the machine's rated capacity for the configuration in use at the time of indication.

(v) Some cranes, by the use of attachments such as clamshells, are mainly used for work other than lifting. When such a crane is used occasionally for lifting, a dynamometer or hook scale may be used in lieu of the requirements set forth in subparagraph (iii) of this paragraph. If a dynamometer is used, the weight of the intended load shall be made known to the operator. He shall be allowed sufficient time to determine that the full weight is on the hook and that the lift can be completed with the moment remaining within the rated capacity of the machine.

(vi) Accuracy of the load indicating device, load moment device, or overload protection device, shall be such that any indicated load will be within the range set forth below:

(a) Ninety-five percent of actual true total load (5 percent overload);

(b) One hundred-ten percent of actual true total load (10 percent underload).

Actual true total load includes the weight of the load being hoisted and all additional equipment, such as blocks, slings, sensors, etc. Such accuracy shall be required over the range of the daily operating variables, as shown in subdivision (x), under the conditions of use.

(vii) Where devices for indicating loads or weights are mounted on or attached to the crane or derrick, they shall have means incorporated into them so that the operator can determine prior to making any lift that the indicating system is operative. Where devices are not so mounted or attached and do not include such check means, they shall be certified by the manufacturer for a specified period of time. Checks using loads

of known values shall be performed periodically on all devices as recommended by the manufacturer.

(viii) When the load weighing device is so arranged in the supporting system that its failure could cause the load to be dropped, its strength margin shall not be less than that of the other supporting members such as block, hoisting ropes, and rope fittings.

(ix) Markings shall be conspicuously placed providing the following information:

(a) Units of measure in pounds, or both pounds and kilograms;

(b) Capacity of the indicating system;

(c) Accuracy of the indicating system;

(d) Operating instructions and precautions;

(e) Means of measurement.

This information shall be similarly provided in systems utilizing indications other than actual weights. If the system used provides no readout, but is such as to automatically cease crane operation when the rated load limit under any specific condition of use is reached, markings shall be provided giving the make and model of device installed, a description of what it does, how it is operated, and any necessary precautions regarding the system. All weight indications, other types of loading indications, and other data required shall be readily visible to the operator, or made known to him prior to any lift if cab indicators are not used.

(x) All load indicating devices shall be operative over the full operating radius. Overall accuracy shall be based on actual applied load and not on full scale (full capacity) load. For example, if accuracy of the load indicating device is based on full scale load and the device is arbitrarily set at plus or minus 10 percent, it would accept a reading between 90,000 and 110,000 lbs., at full capacity of a machine with 100,000 lbs., maximum rating, but would also allow a reading between zero and 20,000 lbs., at that outreach (radius) at which the rating would be 10,000 lbs., capacity—an unacceptable figure. If, however, accuracy is based on actual applied load under the same conditions, the acceptable range would remain the same with the 100,000-lb. load but becomes a figure between 9,000 and 11,000 lbs., a much different and acceptable condition, at the 10,000-lb load.

(xi) When the device uses the radius as a factor in its use or in its operating indications, the indicated radius (which may be in feet and/or meters, or degrees of boom angle, depending on the system used) shall be a figure which is within the range of a figure no greater than 110 percent of the actual radius to a figure which is no less than 97 percent of the actual (true) radius. When radius is presented in degrees, and feet or meters are required for necessary determinations, a conversion chart shall be provided.

(xii) All cranes and derricks shall be equipped with a load indicating device, load moment device, overload device, or dynamometer, as set forth in this subpart, no later than June 30, 1972.

(16) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without the manufacturer's written approval. If such modifications or changes are made, the capacity, operation and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(e) *Derricks.* All derricks in use shall meet the applicable requirements for design, construction, installation, inspection, testing, maintenance, and operation as prescribed in American National Standards Institute B30.6-1969, Safety Code for Derricks.

30. Section 1518.552 is proposed to be amended by revising paragraph (c) (16) thereof. As amended § 1518.552 would read as follows:

§ 1518.552 Material hoists, personnel hoists, and elevators.

(c) * * *

(16) All personnel hoists used by employees shall be constructed of materials and components which meet the specifications for materials, construction, safety devices, assembly, and structural integrity as stated in the American National Standard A10.4-1963, Safety Requirements for Workmen's Hoists.

31. A new § 1518.556 is proposed to be added to Subpart N. The new § 1518.556 would read as follows:

§ 1518.556 Definitions applicable to Subpart N.

(a) "Boom angle indicator" is a device for determining the boom angle in relation to the horizontal plane.

(b) "Load indicating device" is a device for determining the actual weight or percentage of the lifting capacity of a machine in lifting service.

(c) "Load moment device" is a device for providing indications and warnings of approach to rated capacity limitations under varied conditions of use.

(d) "Overload device" is a device which will stop the operation of a machine automatically when an overload condition exists at any configuration.

(e) "Dynamometer" (hook scale) is a device for measuring the weight of the actual load being lifted.

32. Section 1518.600 is proposed to be amended by revising paragraph (a) (3) (ii) thereof. As amended § 1518.600 would read as follows:

§ 1518.600 Equipment.

(a) * * *

(3) * * *

(ii) Whenever the equipment is parked, the parking brake shall be set. Equipment parked on inclines shall have the wheels chocked and the parking brake set.

33. Section 1518.601 is proposed to be amended by revising paragraph (b) (13)

thereof. As amended § 1518.601 would read as follows:

§ 1518.601 Motor vehicles.

(b) * * *

(13) *Specific effective dates.* Rubber-tired motor vehicle equipment manufactured on or after January 1, 1972, shall be equipped with fenders. Rubber-tired motor vehicle equipment manufactured before January 1, 1972, shall be equipped with fenders not later than June 30, 1972.

34. Section 1518.602 is proposed to be amended by adding new subparagraphs (9) and (10) to paragraph (a) of this section. As amended § 1518.602 would read as follows:

§ 1518.602 Material handling equipment.

(a) * * *

(9) *Audible alarms.* (i) All bi-directional machines, such as rollers, compactors, front-end loaders, bulldozers and similar equipment, shall be equipped with a horn, audible above the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in an operative condition.

(ii) No employer shall permit earth-moving or compacting equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm audible above the surrounding noise level or an employee signals that it is safe to do so.

(10) *Scissor points.* Scissor points on all front-end loaders, which constitute a hazard to the operator during normal operation, shall be guarded.

35. Section 1518.651 is proposed to be amended by amending the descriptive heading and paragraphs (a) and (h) thereof, and by adding a new paragraph (y) thereto. As amended § 1518.651 would read as follows:

§ 1518.651 Specific excavation requirements.

(a) Prior to opening an excavation, effort shall be made to determine whether underground installations; i.e., sewer, water, fuel, electric lines, etc., will be encountered, and if so, where such underground installations are located. When the excavation approaches the estimated location of such an installation, the exact location shall be determined and when it is uncovered, proper supports shall be provided for the existing installation. Utility companies shall be contacted and advised of proposed work prior to the start of actual excavation.

(h) In excavations which employees may enter, which are more than 5 feet in depth, excavated or other materials shall be stored and retained 4 feet or more from the edge of the excavation. In excavations which employees may enter, which are 5 feet or less in depth, all materials shall be stored and re-

tained at least 2 feet from the edge of the excavation.

(y) The walls and faces of all excavations in which employees are exposed to danger from moving ground shall be guarded by a shoring system, sloping of the ground, or some other equivalent means.

36. Section 1518.652 is proposed to be amended by amending the descriptive heading and paragraphs (a) and (k) and adding a new paragraph (m) thereto. As amended § 1518.652 would read as follows:

§ 1518.652 Specific trenching requirements.

(a) Banks more than 4 feet high shall be shored, laid back to a stable slope, or some other equivalent means of protection shall be provided where employees may be exposed to moving ground or cave-ins. Refer to Table P-1 as a guide in sloping of banks.

(k) Portable trench boxes or sliding trench shields may be used for the protection of personnel in lieu of a shoring system or sloping. Where such trench boxes or shields are used, they shall be designed, constructed, and maintained in a manner which will provide protection equal to or greater than the sheeting or shoring required for the trench.

(m) Braces and diagonal shores in a wood shoring system, when used in trenches having a width greater than 12 feet, shall not be subjected to compressive stress in excess of values given by the following formula:

$$S = 1300 - \frac{20L}{D}$$

$$\text{Maximum ratio } \frac{L}{D} = 50$$

Where:

L=Length, unsupported, in inches.

D=Least side of the timber in inches.

S=Allowable stress in pounds per square inch of cross-section.

37. Section 1518.700 is proposed to be amended by amending paragraphs (b) (1) and (d) (3) thereof. As amended, § 1518.700 would read as follows:

§ 1518.700 General provisions.

(b) *Reinforcing steel.* (1) Employees working more than 6 feet above and adjacent working surfaces, placing and tying reinforcing steel in walls, piers, columns, etc., shall be provided with a safety belt, or equivalent device, in accordance with Subpart E of this part.

(d) * * *

(3) *Bull floats.* Handles on bull floats, used where they may contact energized electrical conductors shall be constructed of nonconductive material, or insulated with a nonconductive sheath whose electrical and mechanical characteristics provide the equivalent protection of a

handle constructed of nonconductive material.

38. Section 1518.750 is proposed to be amended by amending paragraphs (b) (1) (i) and (c) (2) thereof. As amended, § 1518.750 would read as follows:

§ 1518.750 Flooring requirements.

(b) *Temporary flooring—skeleton steel construction in tiered buildings.* (1) (i) The derrick or erection floor shall be solidly planked or decked over its entire surface except for access openings. Planking, or decking of equivalent strength, shall be of proper thickness to carry the working load, but shall be not less than 2 inches thick full size undressed, and shall be laid tight and secured to prevent movement.

(2) For single wood floor or other flooring systems, the floor immediately below the story where the floor joists are being installed shall be kept planked or decked over.

39. Section 1518.800 is proposed to be amended by revising paragraph (a) (4) thereof. As amended § 1518.800 would read as follows:

§ 1518.800 Tunnels and shafts.

(4) Access to unattended underground openings shall be restricted by gates or doors. Unused chutes, manways, or other openings shall be tightly covered, bulk-headed, or fenced off, and posted. Conduits, trenches, and manholes shall meet the requirements of Subparts M and P of this part.

40. Section 1518.859 is proposed to be amended by revising paragraph (e) thereof. As amended § 1518.859 would read as follows:

§ 1518.859 Mechanical demolition.

(e) When pulling over walls or portions thereof, all steel members affected shall have been previously cut free.

41. Paragraph (b) (4) of § 1518.351. (36 F.R. 7368, 9423) is proposed to be amended. As amended, § 1518.351 would read as follows:

§ 1518.351 Arc welding and cutting.

(4) Cables in poor repair shall not be used. When a cable, other than the cable lead referred to in subparagraph (2) of this paragraph, becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber or friction tape or other equivalent insulation.

(Sec. 1, 83 Stat. 96, 97, adding sec. 107 to Public Law 87-581, 76 Stat. 357; sec. 6(b), 84 Stat. 1593; 29 U.S.C. 655, 40 U.S.C. 333)

Signed at Washington, D.C., this 20th day of September 1971.

G. C. GUENTHER,
Assistant Secretary of Labor.
[FR Doc.71-14118 Filed 9-27-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

CHANGE IN STATUS OF GRAS, FOOD ADDITIVE, OR PRIOR SANCTIONED SUBSTANCES

Proposed Statement of Policy

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-88 as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend Part 121 by adding the following new section:

§ 121.----- Change in status of GRAS, food additive, or prior sanctioned substances; statement of policy.

(a) Regulations promulgated under section 409 of the Federal Food, Drug, and Cosmetic Act give no implied or explicit guarantee that any substance named therein will continue in a particular status.

(b) The decision to use a particular GRAS (generally recognized as safe), food additive, or prior sanctioned substance in a food is a voluntary one. Proper economic planning for the decision should recognize that the substance and the food containing the substance may subsequently become unmarketable because the substance has become newly recognized as posing a hazard to the public health.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare (Room 6-88, 5600 Fishers Lane, Rockville Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum of brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated September 23, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.
[FR Doc.71-14294 Filed 9-27-71;8:50 am]

Public Health Service

[42 CFR Part 75]

PREPAID MEDICAL SERVICE PLANS

Subpart A—Authorization for Issuance of Prepaid Medical Service Contracts by Carriers

Notice is hereby given that the Administrator, Health Services and Men-

tal Health Administration, with the approval of the Secretary of Health, Education, and Welfare proposes to amend Subchapter F of the Public Health Service regulations by adding a new Part 75 and a Subpart A of that part as set forth below. Subpart A would provide for the issuance of authorizations under Title IV of Public Law 91-515 to enable certain carriers to issue contracts for prepaid medical services.

Inquiries may be addressed, and data, views and arguments relating to the proposed regulations may be presented in writing, in triplicate, to the Administrator, Health Services and Mental Health Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered. All comments received will be available for public inspection in Room 6A30 at the above address between the hours of 8:30 a.m. and 5 p.m., Monday through Friday.

Notice is also given that, in the light of the public interest in the speedy implementation of the statute, it is proposed to make any regulations that are adopted effective upon publication in the FEDERAL REGISTER (9-25-71).

It is proposed to amend Subchapter F of Chapter I of Title 42, of the Code of Federal Regulations by adding a new Part 75 as follows:

PART 75—PREPAID MEDICAL SERVICE PLANS

Subpart A—Authorization for Issuance of Prepaid Medical Service Contracts by Carriers

Sec.
75.1 Statutory provisions.
75.2 Definitions.
75.3 Applications for authorization.
75.4 Issuance of authorizations.
75.5 Services to be provided by medical group.

AUTHORITY: The provisions of this Subpart A issued under 80 Stat. 379; 5 U.S.C. 301.

§ 75.1 Statutory provisions.

The applicable statutory provision, Title IV of Public Law 91-515 (84 Stat. 1309), reads as follows:

SECTION 401. (a) The Secretary of Health, Education, and Welfare may, in accordance with the provisions of this section, authorize any carrier, which is a party to a contract entered into under Chapter 89 of title 5, United States Code (relating to health benefits for Federal employees), or under the Retired Federal Employees Health Benefits Act, or which participates in the carrying out of any such contract, to issue in any State contracts entitling any person as a beneficiary to receive comprehensive medical services (as defined in paragraph (b) of this section) from a group practice unit or organization (as defined in paragraph (c) of this section) with which such carrier has contracted or otherwise arranged for the provision of such services.

(b) As used in this paragraph, the term "comprehensive medical services" means comprehensive preventive, diagnostic, and therapeutic medical services

(as defined in regulations of the Secretary), furnished on a prepaid basis; and may include, at the option of a carrier, such other health services including mental health services, and equipment and supplies, furnished on such terms and conditions with respect to copayment and other matters, as may be authorized in regulations of the Secretary.

(c) As used in this paragraph:

(1) The term "group practice unit or organization" means a nonprofit agency, cooperative, or other organization undertaking to provide, through direct employment of, or other arrangements with the members of a medical group, comprehensive medical services (or such services and other health services) to members, subscribers, or other persons under contract of carriers.

(2) The term "medical group" means a partnership or other association or group of persons who are licensed to practice medicine in a State (or of such persons and persons licensed to practice dentistry or optometry) who (i) as their principal professional activity and as a group responsibility, engage in the coordinated practice of their profession primarily in one or more group practice facilities, (ii) pool their income from practice as members of the group and distribute it among themselves according to a prearranged plan, or enter into an employment arrangement with a group practice unit or organization for the provision of their services, (iii) share common overhead expenses (if and to the extent such expenses are paid by members of the group), medical and other records, and substantial portions of the equipment and professional, technical and administrative staff, and (iv) include within the group at least such professional personnel, and make available at least such health services, as may be specified in regulations of the Secretary.

(d) Nothing in this section shall preclude any State or State agency from regulating the amounts charged for contracts issued pursuant to paragraph (a) of this section or the manner of soliciting and issuing such contracts, or from regulating any carrier issuing such contracts in any manner not inconsistent with the provisions of this section.

§ 75.2 Definitions.

All terms not defined herein shall have the same meaning given them in the Act. As used in this subpart:

(a) "Act" means Title IV of Public Law 91-515, 84 Stat. 1309.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and the officer or employee to whom the authority involved has been delegated.

(c) "Eligible carrier" means any carrier which is a party to a contract entered into under 5 U.S.C. Ch. 89 or which participates in the carrying out of any such contract by reinsurance or otherwise.

(d) "Comprehensive medical services" means that combination of preventive, diagnostic, and therapeutic medical and

health services which the Secretary finds, on the basis of information submitted to him by an eligible carrier, is reasonably calculated to assure the protection, maintenance, and support of health and the satisfactory diagnosis and treatment of illness and injury of persons enrolled under the prepaid medical service plan proposed to be issued by such carrier, taking into consideration such factors as the nature and size of the population to be served, the geographic area to be served, the availability of resources, and other related elements.

(e) The term "nonprofit" as applied to any agency, cooperative, or other organization under section 401(c)(1) means an agency, cooperative, or other organization no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual except, in the case of an organization the purposes of which include the provision of personal health services to its members or subscribers or their dependents under a plan of such organization for the provision of such services to them (which plan may include the provision of other services or insurance benefits to them), through the provision of such health services (or such other services or insurance benefits) to such members or subscribers or dependents under such plan.

§ 75.3 Application for authorization.

(a) Any eligible carrier may submit an application to the Secretary for an authorization pursuant to § 75.4.

(b) Such application shall be in writing, executed by an officer of the carrier authorized for such purpose, and shall set forth the following:

(1) The name, address, and home office of the carrier.

(2) The status of the carrier as a contractor under 5 U.S.C. Ch. 89, as a reinsurer of any such contract, or as a participant in carrying out any such contract.

(3) A full description of the medical services proposed to be furnished on a prepaid basis and a statement designed to show that such services constitute comprehensive medical services as defined herein.

(4) A full description of health services to be furnished at the option of the carrier, such as dental, mental health, hospital, optometric, or nursing home services, or equipment and other supplies, and the terms and conditions upon which such services and supplies are to be furnished.

(5) Identification of the group practice unit or organization, and medical groups considered to meet the requirements of the Act and of this part, and of other organizations and facilities, proposed to be utilized in the provision of medical services under the contract, together with a description of the medical services or resources to be provided by each such group, organization or facilities under arrangements made by the carrier.

(6) The method which will be used for monitoring and evaluating the quality of care and services provided under the contract.

(7) A copy of the proposed contract to be issued to persons enrolled in the plan which shall not exclude an individual because of race, color, sex, religion, or national origin and which shall set forth a detailed statement of benefits offered, including out-of-area benefits.

(8) Identification of the State in which the carrier proposes to issue contracts, and a citation to the provisions of State law or other legal requirements of the State which in the opinion of legal counsel restricts the issuance of such contracts by the carrier, together with a copy of the opinion of such counsel.

(9) An agreement to furnish such reports as the Secretary may reasonably require as to operations under the authorization.

(10) An agreement that the carrier will require any individual, agency, organization, or other entity with which it contracts or otherwise arranges for the provision of services, pursuant to an authorization under the Act, to provide such services without discrimination on account of race, color, sex, religion, or national origin.

(11) An agreement to report promptly any change in the contract or benefits provided thereunder, and insofar as practicable, at least 90 days before such change becomes effective.

(12) An agreement to provide such other information as the Secretary may reasonably require.

§ 75.4 Issuance of authorization.

(a) The Secretary may, upon the basis of an application approved by him as meeting the requirements of the Act and of this part, authorize an eligible carrier to issue in one or more States contracts entitling any person as a beneficiary to receive comprehensive medical services furnished on a prepaid basis either from a group practice unit or organization with which such carrier has contracted or otherwise arranged for the provision of such services, or from the carrier, if the carrier is itself a group practice unit or organization authorized to provide comprehensive medical services under State law, if he finds that such authorization is necessary, by reason of the laws of the State with respect to which the application is made, to permit the carrier to issue such contracts.

(b) The issuance of such an authorization shall preclude the application of any law, regulation or other requirement of the State with respect to which the authorization is issued which, except as authorized in section 401(d) of the Act, prohibits, restricts, or limits—

(1) The issuance of any contract by the carrier in accordance with such authorization, or

(2) The operation of any group practice unit or organization with which the carrier has contracted insofar as such

requirement operates to prevent such group from arranging with the carrier for payment on a prepaid basis for services provided to persons under contract of such carrier or from providing such services through a medical group, including, but not limited to restrictions on the provision of medical care or services on a prepaid, capitation basis or on the number of plans operating in a given geographical area, prohibitions on the issuance of such contracts by an out-of-State corporation or a corporation for profit or requirements that a percentage or given number of professional personnel or medical facilities in any area participate or be allowed to participate in the provision of services as a condition to the operation of the plan in such area, or that the members of the carrier's governing board meet specified qualifications or conditions as to their appointment.

(c) An authorization issued under this section, unless suspended or terminated as provided herein, shall be valid so long as the carrier maintains its status as an eligible carrier and for such additional period as the Secretary finds necessary to permit the carrier to liquidate any obligations for service it may have incurred and to permit beneficiaries under the plan to make other arrangements for coverage.

(d) An authorization may be suspended or terminated upon reasonable notice to the carrier, with opportunity for hearing if the carrier fails to comply with any assurance, representation, or agreement contained in its application, or fails to meet any requirement of the Act or regulations for the provision of services under contracts issued pursuant to this part.

§ 75.5 Services to be provided by medical group.

(a) A medical group utilized in the provision of medical services under a contract issued in accordance with this part shall include at least a general practitioner and representatives of each of the following medical specialties: General surgery, obstetrics, internal medicine, pediatrics, and ear-nose-throat, provided that, for good cause shown in the application, services in the medical specialties may be provided under contract or other suitable arrangements by a nonmember of the group.

(b) The medical group shall make available health services constituting comprehensive medical services as defined herein.

Dated: July 29, 1971.

VERNON E. WILSON,
Administrator, Health Services
and Mental Health Admin-
istration.

Approved: September 12, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-14174 Filed 9-27-71; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 1]

[Docket No. 11422; Notice No. 71-27]

EXTENDED OVER-WATER OPERATIONS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending the definition of "extended over-water operation" in § 1.1 of the Federal Aviation Regulations to accommodate the use of helicopters in various types of operations requiring them to operate at distances greater than 50 miles from the nearest shoreline.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before December 27, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the rules docket for examination by interested persons.

The Bell Helicopter Co. (Bell), has petitioned the Administrator of the Federal Aviation Administration for an amendment to Part 1 of the Federal Aviation Regulations to amend the definition of "extended over-water operations" to recognize the unique capabilities of helicopters in offshore oil operations. Currently, an extended over-water operation is defined as an operation over water at a horizontal distance of more than 50 nautical miles from the nearest shoreline. In support of its petition, Bell argues that the current definition was based upon operations conducted in fixed wing aircraft and did not consider the capabilities of helicopters. In the interim, the value and effectiveness of helicopters in the rapidly expanding area of offshore oil exploration and drilling operations as well as other offshore activities has been demonstrated through years of safe operation.

The petitioner points out that helicopters involved in offshore oil operations may operate as far as 100 miles from the nearest shoreline, but never be more than 5 miles from the nearest suitable landing area, which is generally a specially constructed landing pad built as a part of the offshore drilling platform. As such, the operation would be conducted well within the safety con-

siderations upon which current extended over-water operation requirements are based.

Finally, Bell states that compliance with the requirements for the operation of helicopters in extended over-water operations, based on the current definition of that terminology, requires the installation of considerable emergency equipment resulting in a reduction in payload without an accompanying increase in safety. Accordingly, the petitioner requests that the definition of "extended over-water operation" be amended by substituting the words "nearest landing area" for the words "nearest shoreline."

The agency agrees that it is appropriate at this time to propose an amendment to the Federal Aviation Regulations which recognizes the capability of helicopters to be operated safely at distances in excess of 50 miles from the nearest shoreline when suitable off-shore heliports are available. However, for the reason stated herein, the proposed amendment differs, to a limited extent, from the recommendation made by Bell.

The FAA does not believe that the words "nearest landing area" should be adopted in substitution for "nearest shoreline" inasmuch as some aircraft may be operated out of landing areas far removed from the nearest shoreline. Consequently, to redefine extended over-water operation in this manner could place a severe limitation on the range of these operations, a limitation which the FAA has determined is not necessary in the interest of safety. Accordingly, it is proposed to retain the substance of the current definition, thus retaining the shoreline as the point from which the extended over-water operation is determined with regard to aircraft, other than helicopters. However, it is proposed to change the definition to encompass helicopters only when they operate more than 50 nautical miles from the nearest shoreline and are not within 50 nautical miles of a suitable off-shore heliport structure.

It should be pointed out that the proposed amendment would, under current regulations, have a substantive effect only on operations conducted for compensation or hire in helicopters under Part 135, since that is the only part of the Federal Aviation Regulations which currently prescribes equipment requirements for extended over-water operations conducted with helicopters.

In consideration of the foregoing, it is proposed to amend the definition of "extended over-water operation" in § 1.1 of the Federal Aviation Regulations to read as follows:

§ 1.1 General definitions.

"Extended over-water operation" means—

(1) With respect to aircraft other than helicopters, an operation over water at a horizontal distance of more than 50 nautical miles from the nearest shoreline; and

(2) With respect to helicopters, an operation over water at a horizontal distance of more than 50 nautical miles from the nearest shoreline and more than 50 nautical miles from a suitable off-shore heliport structure.

These amendments are proposed under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 21, 1971.

WILLIAM G. SHREVE, JR.,
Acting Director,
Flight Standards Service.

[FR Doc.71-14232 Filed 9-27-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-RM-20]

ALTERATION OF CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Williston, N. Dak. (Sloulin International Airport), control zone and the Williston, N. Dak., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10255 East 25th Avenue, Aurora, CO 80010.

The airspace requirements for Williston, N. Dak., have been reviewed in accordance with the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERP's). As a result of the review, it has been determined that the control zone and transition area must be altered to provide controlled airspace protection for the instrument procedures.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (36 F.R. 2055) the following control zone is amended to read as follows:

WILLISTON, N. DAK. (SLOULIN AIRPORT)

Within a 5-mile radius of the Sloulin International Airport (latitude 48°10'35" N., longitude 103°38'10" W.); within 1½ miles each side of the Williston VOR 136° radial, extending from the 5-mile-radius zone to 1½ miles southeast of the VOR; and within 2 miles each side of the 126° bearing from the Sloulin International Airport, extending from the 5-mile-radius zone to 10 miles southeast of the airport.

In § 71.181 (36 F.R. 2140) the following transition area is amended to read as follows:

WILLISTON, N. DAK.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Sloulin International Airport (latitude 48°10'35" N., longitude 103°38'10" W.); within 3½ miles each side of the Williston VOR 316° radial, extending from the 10-mile-radius area to 11½ miles northwest of the VOR; and within 3½ miles each side of the 126° bearing from the Sloulin International Airport, extending from the 10-mile-radius area to 14¼ miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Williston VOR, extending from the Williston VOR 203° radial clockwise to the Williston VOR 088° radial, and within 9½ miles southwest and 4½ miles northeast of the Williston VOR 316° radial, extending from the 13-mile-radius area to 18½ miles northwest of the VOR; and within 5 miles southwest and 9½ miles northeast of the 126° bearing from the Sloulin International Airport extending from the 10-mile-radius area to 21½ miles southeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colo., on September 20, 1971.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.71-14231 Filed 9-27-71;8:47 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 543]

[Docket No. 71-22]

SCHEDULE OF FEES AND CHARGES

Enlargement of Time To File Comments

Pursuant to notice of proposed rule making (March 20, 1971; 36 F.R. 5369), setting forth proposed schedules of fees and charges for services rendered by the Commission, comments were submitted by interested parties in the maritime industry. A subsequent notice outlining the cost basis utilized by the Commission in developing its proposed schedule of fees and charges was published September 10, 1971 (36 F.R. 18214). Twenty-one days was afforded for additional comments of interested parties.

Request has now been made for still an additional 60 days within which such comments may be submitted. The request for an additional 60 days does not appear to be reasonably related to any fair estimate of time which might be required for interested parties to fairly analyze and comment upon the Commission's latest notice. Accordingly, the enlargement of time granted herein will be limited to 30 days.

Interested parties may submit comments in response to the Commission's September 10, 1971, notice in this proceeding by filing them with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 1, 1971. Comments should be submitted in an original with fifteen copies.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-14265 Filed 9-27-71;8:50 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 435]

UNDELIVERED MAIL ORDER MERCHANDISE AND SERVICES

Notice of Public Hearing and Opportunity To Submit Data, Views or Arguments Regarding Proposed Trade Regulation Rule

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has initiated a proceeding for the promulgation of a Trade Regulation Rule concerning undelivered mail order merchandise and services.

Accordingly, the Commission proposes the following Trade Regulation Rule:

§ 435.1 The Rule.

In connection with mail order sales in commerce, as "commerce" is defined in the Federal Trade Commission Act, it constitutes an unfair method of competition, and an unfair or deceptive act or practice for a seller:

(a) To fail to make, without prior demand a prompt refund to the buyer of all moneys paid for merchandise or services connected with merchandise ordered by mail when the services are not furnished and merchandise is not shipped within 21 days from receipt of payment; *Provided*, That nothing in this paragraph (a) is intended to preclude a seller from furnishing services and shipping merchandise at a later time without having made a refund if:

(1) A clear and conspicuous disclosure of the estimated time required for shipment has been made in all advertisements, catalogs and other materials soliciting orders; or

(2) The seller obtains the express written consent of the buyer to a specified delay.

(b) To fail to make, without prior demand, a prompt refund to the buyer of all moneys paid for merchandise or services connected with merchandise ordered by mail when the services are not furnished and merchandise is not shipped within that time stated in the advertisements, catalogs or other materials soliciting orders, or within that time expressly agreed to by the buyer, as provided for in paragraph (a) (1) and (2) of this section.

(c) To fail to disclose clearly and conspicuously in all advertisements, catalogs and other materials soliciting orders the following statement:

NOTICE: Federal regulation requires that merchandise must be shipped within 21 days or all money must be refunded.

The statement must appear in all materials soliciting orders unless such materials contain a clear and conspicuous disclosure of the estimated time required for shipment.

(d) To fail to maintain for a period of one (1) year with regard to each and every transaction between the seller and his customers, adequate records which disclose in itemized form the name and address of each customer, the nature of merchandise ordered, the date the order was received, and the date the merchandise was shipped.

(e) Definition: For purposes of this section, "shipment" shall mean the act whereby the seller physically places the merchandise into the possession of the carrier.

NOTE 1: *Credit transactions.* When merchandise or services connected with merchandise are ordered pursuant to a charge account or other plan allowing payment after the order is submitted in which the seller is also the creditor, "refund" shall be interpreted to include promptly crediting buyer accounts for merchandise not shipped in compliance with the section. When merchandise or services connected with merchandise are ordered pursuant to any plan where the seller is not the creditor and merchandise is not shipped in compliance with the section, the seller will be obligated to either make a prompt cash refund to the buyer or arrange for the creditor to have the charge removed from the buyer's account balance. The amount of refund due or to be adjusted shall include the purchase price of the order plus all accrued finance or late charges attributable to billing of ordered merchandise or services.

NOTE 2: *Subscriptions.* This section shall not apply to pre-paid subscriptions, such as magazine sales, ordered for serial delivery, after the initial shipment is made in compliance with the section.

NOTE 3: *Trading stamps.* Trading stamps submitted for redemption of merchandise will be construed as "moneys", as the term "moneys" is used in this section, and all provisions thereof shall be applied equally to trading stamp transactions.

NOTE 4: *Application of the rule in this section.* In determining whether the rule will be applied, the Commission will consider all circumstances, particularly those beyond the control of the seller, which led to a failure to ship merchandise or refund moneys within the specified period.

All interested persons, including the consuming public are hereby notified that they may file written data, views or

arguments concerning the proposed rule with the Assistant Director for Rules and Guides, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street, NW., Washington, DC 20580, not later than January 17, 1972. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested parties are also given notice of opportunity to orally present data, views or arguments with respect to the proposed rule at a public hearing to be held commencing at 10 a.m., e.s.t., each day, January 24 and 25, 1972, in Room 532 of the Federal Trade Commission Building, Washington, D.C.

Any persons desiring to orally present his views at the hearing should so inform the Assistant Director for Rules and Guides, not later than January 17, 1972 and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Assistant Director for Rules and Guides, on or before January 17, 1972.

The data, views or arguments presented with respect to the proposed rule will be available for examination by interested parties at the Division of Legal and Public Records, Room 130, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All persons, firms, corporations, or others engaged in mail order selling or advertising, in commerce, as "commerce" is defined in the Federal Trade Commission Act, will be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

All interested persons, including the consuming public, are urged to express their approval or disapproval of the proposed rule, or to recommend revisions thereof, and to give a full statement of their views in connection therewith.

Issued: September 28, 1971.

By the Commission.

[SEAL]

CHARLES A. TOBIN,
Secretary.

[FR Doc.71-14295 Filed 9-27-71; 8:50 am]

RENEGOTIATION BOARD

[32 CFR Part 1467]

RENEGOTIATION REGULATIONS

Notice of Proposed Rule Making

The Renegotiation Board pursuant to section 109 of the Renegotiation Act of 1951, as amended (50 U.S.C.A., App. sec. 1211 et seq.), proposes to issue the following regulations not less than thirty (30) days after the date of this publication in the FEDERAL REGISTER.

Interested persons are hereby notified that any changes, to be considered, must be presented, in writing, to the Renegotiation Board, 1910 K Street NW., Washington, DC 20446, within thirty (30) days after the date of this publication in the FEDERAL REGISTER.

Written material or suggestions submitted will be available for public inspection during regular business hours in the library at the principal office of the Board, 1910 K Street NW., Washington, DC.

Dated: September 23, 1971.

LAWRENCE E. HARTWIG,
Chairman.

This part is amended in the following respects:

1. Section 1467.46 *Waiver of exemption* is amended by adding at the end of paragraph (b) (4) thereof, the following sentence:

See in this connection §§ 1467.58 and 1467.59.

2. Section 1467.58 *Grant of exemption* is amended by deleting the second sentence thereof in its entirety, by changing the period at the end of the first sentence to a comma, and by adding the following: "but (a) the Board shall be entitled, in its discretion, to rescind such determination if the Application for Commercial Exemption contained a misstatement of a material fact (see § 1467.57(d)); and (b) the contractor shall be entitled thereafter, with the permission of the Board, to withdraw the Application for Commercial Exemption and waive the exemption."

3. Section 1467.59 *Accrual of exemption by failure of Board to act* is amended by deleting "and, except as provided in § 1467.57(d); such exemption shall be fixed and final." and inserting in lieu thereof the following: "except as provided in § 1467.57(d). Nothing in the preceding sentence shall preclude the contractor, with the permission of the Board, from thereafter withdrawing the Application for Commercial Exemption and waiving the exemption."

[FR Doc.71-14247 Filed 9-27-71; 8:48 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Revision 10]

DEFINITION OF SMALL BUSINESS FOR PURPOSE OF GOVERNMENT PRO- CUREMENT OF FOOD SERVICES

Postponement of Hearing and Extension of Time for Comment

On September 1, 1971, the Small Business Administration published in the FEDERAL REGISTER (36 F.R. 17514), a notice that it would hold a public hearing on September 30, 1971, on its proposal to reduce the size standard for the purpose of bidding on Government procurements

PROPOSED RULE MAKING

for food services, from \$4 million to \$3 million.

At a hearing on September 16, 1971, concerning the size standard for the purpose of bidding on Government procurements for custodial and janitorial services, interested parties pointed out that the principal issues presented at that hearing also would be the principal issues at the food services hearing. It was suggested that the food services hearing should be postponed until the Small Business Administration has had an opportunity to consider the testimony offered at the custodial and janitorial services hearing.

Accordingly, notice is hereby given that the hearing on the food services size standard is temporarily postponed and will be rescheduled in the near future.

Notice of the new hearing date will be published in the FEDERAL REGISTER.

The time for filing written comment on the proposed reduction in size standard is extended until the date on which the hearing eventually is held.

Dated: September 23, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-14289 Filed 9-27-71;8:50 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

(T.D. 71-245)

JAPANESE YEN

Foreign Currencies; Rates of Exchange

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Japanese yen between September 6 and September 10, 1971.

Treasury Decision 71-175 published as the rate of exchange for the Japanese yen for use during the calendar quarter beginning July 1, 1971, through September 30, 1971, \$0.00279800, as certified to the Secretary of the Treasury by the Federal Reserve Bank of New York under the provisions of section 522(c) of the Tariff Act of 1930, as amended (31 U.S.C. 372(c)).

For the dates listed below, the Federal Reserve Bank of New York certified rates for the Japanese yen which vary by 5 per centum or more from the rate \$0.00279800. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert Japanese currency into currency of the United States, conversion shall be at the daily rate certified by the Federal Reserve Bank of New York, as herewith published:

Japanese yen:

| Date | Rate | Holiday |
|----------------|--------------|---------|
| Sept. 6, 1971 | | |
| Sept. 7, 1971 | \$0.00294300 | |
| Sept. 8, 1971 | .00294650 | |
| Sept. 9, 1971 | .00294916 | |
| Sept. 10, 1971 | .00295150 | |

Rates of exchange certified for the Japanese yen which vary by 5 per centum or more from the rate \$0.00279800 during the balance of the calendar quarter ending September 30, 1971, will be published in a Treasury Decision for dates subsequent to September 10, 1971, and before October 1, 1971.

[SEAL]

EDWIN F. RAINS,

Acting Commissioner of Customs.

[FR Doc.71-14257 Filed 9-27-71;8:49 am]

INSTANT POTATO GRANULES FROM CANADA

Antidumping Proceeding Notice

SEPTEMBER 24, 1971.

On August 27, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that instant potato granules from Canada are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or

prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

EDWIN F. RAINS,

Acting Commissioner of Customs.

[FR Doc.71-14293 Filed 9-27-71;8:50 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 6225; Power Projects Nos. 306 and 1062]

ARIZONA

Order Providing for Opening of Lands

Pursuant to the order of the Federal Power Commission, DA-147 (Arizona) issued April 27, 1971, Power Projects Nos. 306 and 1062 established by the Commission on December 15, 1924, January 15, 1925, and December 4, 1925, under the authority contained in section 24 of the Act of June 10, 1920 (42 Stat. 1275, 16 U.S.C. 818), as amended, were vacated. By virtue of Bureau of Land Management Order No. 701 dated July 23, 1964 (29 F.R. 10526), as amended, it is ordered as follows:

1. The following described lands are hereby opened to entry under applicable public land laws as provided herein:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 9 N., R. 3 W.,
 Sec. 2, lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 11, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 14, N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 15, S $\frac{1}{2}$ N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 16, S $\frac{1}{2}$ N $\frac{1}{2}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 17, NE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 18, lot 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 10 N., R. 3 W.,
 Sec. 16, lot 11;
 Sec. 21, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 22, lots 2 to 6, inclusive, and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 26, lots 2 and 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 35, E $\frac{1}{2}$.

T. 6 N., R. 4 W.,
 Sec. 4, lots 2 and 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 9, E $\frac{1}{2}$ E $\frac{1}{2}$;
 Sec. 16, lots 1 and 2, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 16, lot 2, E $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 7 N., R. 4 W.,
 Sec. 19, lot 1, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 29, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 33, W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 9 N., R. 4 W.,
 Sec. 13, E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 24, W $\frac{1}{2}$ E $\frac{1}{2}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 25, E $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 26, E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 8 N., R. 5 W.,
 Sec. 11, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 23, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 3381.73 acres of public land in Yavapai County and 1678.65 acres of public land in Maricopa County.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 9 N., R. 3 W.,
 Sec. 14, S $\frac{1}{2}$ NW $\frac{1}{4}$.
 T. 10 N., R. 3 W.,
 Sec. 2, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 6 N., R. 4 W.,
 Sec. 15, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 8 N., R. 5 W.,
 Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 23, W $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 35, W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 440.00 acres of patented lands in Yavapai County and 240.00 acres of patented lands in Maricopa County.

2. The public lands are hereby opened to operation to the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received shall be considered as simultaneously filed.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws, subject to provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Arizona State Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

JOE T. FALLINI,
State Director.

SEPTEMBER 20, 1971.

[FR Doc.71-14251 Filed 9-27-71;8:49 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 419]

SOCIETE D'EXPLOITATION DES ETABLISSEMENTS CACERMET S.A.

Order Restoring Export Privileges Conditionally and Placing Party on Probation

On July 6, 1971, effective July 13, 1971 (36 F.R. 13048, July 13, 1971), an order was issued against Cacermet S.A. and Andre Letiers, both of Puteaux, France, denying U.S. export privileges for 5 years with the proviso that said respondents after 2 years might apply for conditional restoration of export privileges. A finding was made in said order that the firm Societe d'Exploitation des Etablissements Cacermet S.A., 5 Rue des Goulvents, 92 Nanterre, France, which firm is also known as SEECA, is the successor to respondent Cacermet S.A. All of the restrictions of said order were made applicable to said successor.

The successor firm, SEECA, has applied for relief from the restrictions of the denial order applicable to it. A hearing on said application was held before the Compliance Commissioner on August 17, 1971. The Compliance Commissioner has submitted a report and recommendation.

On consideration of the record relating to this matter and the report and recommendation of the Compliance Commissioner, I hereby make the following

FINDINGS OF FACT

1. The respondent Cacermet S.A. because of financial difficulties went into receivership under the laws of France on January 18, 1971. Under said proceedings the Court appointed a receiver.

2. The said receiver, with approval of the Court, has leased to SEECA the entire business of Cacermet S.A., including the name of the company, clientele, good will, material, and equipment. The said SEECA is carrying on the said business but is now located in quarters different from those formerly occupied by Cacermet.

3. Andre Letiers, who was principal shareholder of Cacermet S.A. and the individual responsible for the violations described in the order of July 6, 1971, is not a shareholder, officer, director, or employee of SEECA nor is he in any manner connected with said firm.

4. From the proceeds of its operations SEECA is making monthly payments to the receiver of Cacermet S.A. which are to be used to pay the creditors of said firm.

5. The successful operation of the firm SEECA under the terms of the lease will result in the payment of creditors of Cacermet S.A., among which are U.S. companies having substantial outstanding accounts against said Cacermet. For the profitable operation of SEECA it must have access to U.S.-origin commodities.

6. The purposes of the Export Administration Act of 1969 will be served if the export privileges of SEECA are restored conditionally and it is placed on probation as long as the denial order is effective against Cacermet S.A. and Andre Letiers, or either of them.

Accordingly, it is hereby ordered:

I. The U.S. export privileges of Societe d'Exploitation des Etablissements Cacermet S.A., also known as SEECA are hereby restored conditionally and said company is placed on probation as long as the denial order of July 6, 1971, is effective against Cacermet S.A. and Andre Letiers, or either of them.

II. The conditions of probation are that the said party: (1) Shall fully comply with all of the requirements of the Export Administration Act of 1969 and all regulations, licenses, and orders issued thereunder; (2) shall on request of the Office of Export Control, or a representative of the U.S. Government acting on its behalf, promptly disclose fully the details of its participation in any and all transactions involving U.S.-origin commodities or technical data, including information as to the disposition or intended disposition of such commodities or technical data, and on such request shall also furnish all records and documents relating to such matters. Further, on such request, said party shall promptly disclose the names and addresses of its shareholders, agents, representatives, employees, and other persons associated with it in trade or commerce.

Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that said party has failed to comply with any of the conditions of probation, said official, with or without prior notice to said party, by supplemental order, may revoke the probation of said party and deny to said party all export privileges for such period as said official may deem appropriate. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as may be warranted.

Dated: September 22, 1971.

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.71-14250 Filed 9-27-71;8:49 am]

Office of the Secretary

[Dept. Administrative Order 205-12, Amdt. 2]

PUBLIC INFORMATION

Compulsory Progress Requesting Documents or Testimony

The following order was issued by the Secretary of Commerce on September 3, 1971. This material further amends the material appearing at 32 F.R. 9734 of July 4, 1967, and 35 F.R. 6601 of April 24, 1970.

Department Administrative Order 205-12 of July 4, 1967, is hereby further amended as follows:

SECTION 5. *Functions and Responsibilities.* Add a new paragraph .05 to read:

“.05 *Public Information Appendices.* The head of each operating unit shall prepare, issue, and keep current a Public Information Appendix to this order for his organization. Each such appendix shall summarize, for the information of the public, the arrangements in effect in the operating unit for meeting the requirements of section 552 of title 5, United States Code, as amended.”

The effect of the above will place all public information requirements of the Freedom of Information Act in this one order, DAO 205-12. Existing Public Information Appendices are attached to the organization orders of the various operating units. These remain in effect and should be retained where they are until a memorandum of instructions is issued explaining how they are to be renumbered and transferred to DAO 205-12.

Effective date: September 3, 1971.

LARRY A. JOBE,
Assistant Secretary for
Administration.

[FR Doc.71-14243 Filed 9-27-71;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-229; NADA No. 5-687V, etc.]

BEEBE LABORATORIES ET AL.

Sodium Arsanilate; Notice of Withdrawal of Approvals of New Animal Drug Applications

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of May 26, 1971 (36 F.R. 9573), proposing to withdraw approval of the following new animal drug applications covering drugs containing sodium arsanilate.

1. Beebe Arsonil; NADA (new animal drug application) No. 5-687V; by Beebe Laboratories, 2035 East Larpenteur Avenue, St. Paul, Minn. 55109;

2. Dr. Mayfield Hog Tablets; NADA No. 7-374V; by Dr. Mayfield Laboratories, 1209 South Main Street, Charles City, Iowa 50616;

3. Dr. Mayfield Hog and Poultry Tablets and Dr. Mayfield Poultry Tablets; NADA No. 5-811V; by Dr. Mayfield Laboratories;

4. Corn King Poultry Tablets and Corn King Sono Tablets; NADA No. 9-042V; by King Castle Inc. (formerly The Corn King Co., Inc.), Post Office Box 180, Marion, Iowa 52302;

5. Corn King Hog Tablets; NADA No. 9-045V; by King Castle Inc.; and

6. Corn King Blackhead Tablets; NADA No. 8-913V; by King Castle Inc.

No response to the notice of opportunity for a hearing was received. This is construed as an election by said firms not to avail themselves of the opportunity for a hearing.

The Commissioner, based on his evaluation of new information before him with respect to said drugs together with the evidence available to him when the applications were approved, finds that there is a lack of substantial evidence that the drugs will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Based on the grounds set forth in the notice of opportunity for a hearing, the Commissioner concludes that approval of said new animal drug applications should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 5-687V, NADA No. 7-374V, NADA No. 5-811V, NADA No. 9-042V, NADA No. 9-045V, and NADA No. 8-913V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of publication of this document.

Dated: September 22, 1971.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[FR Doc.71-14237 Filed 9-27-71;8:48 am]

DIAMOND LABORATORIES, INC.

Tetracycline with Vitamins; Notice of Drugs Deemed Adulterated

In the FEDERAL REGISTER of June 23, 1970 (35 F.R. 10238, DESI 2-0027NV), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations by Diamond Laboratories, Inc., Post Office Box 863, Des Moines, Iowa 50304, which contain tetracycline hydrochloride and vitamins as the designated active ingredients:

1. Myzon Poultry Builder with Tetrazone Water Soluble;
2. Myzon Calf Builder with Tetrazone;
3. A-B-D-25 with Tetra-D, Tetracycline Hydrochloride "Formula 25," Tetrazone Animal Formula "25" and Tetracycline Hydrochloride;
4. Myzon Poultry Medicine with Tetrazone;
5. Myzon Poultry Builder with Tetrazone; and
6. Myzon Swine Builder with Tetrazone.

The Food and Drug Administration concluded that these preparations are probably not effective as a tetracycline and vitamin mixture for adding to drinking water for the prevention and treatment of enteric and systemic bacterial infections in swine, calves, and poultry. Said announcement provided the manufacturer and all interested parties a 6-month period in which to submit new animal drug applications.

Diamond Laboratories, Inc., did not submit a new animal drug application for the above-named products within the 6-month period.

Based on the foregoing and information before him, the Commissioner of Food and Drugs concludes that the above-named drugs are adulterated within the meaning of section 501(a)(5) of the Federal Food, Drug, and Cosmetic Act in that they are not the subject of an approved new animal drug application pursuant to section 512 of the act. Therefore, notice is given to Diamond Laboratories, Inc., and to all interested persons that all stocks of said drugs within the jurisdiction of the act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a)(5), 512, 52 Stat. 1049, as amended, 82 Stat. 343-51; 21 U.S.C. 351(a)(5), 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: September 22, 1971.

R. E. DUGGAN,
Acting Associate Commissioner,
for Compliance.

[FR Doc.71-14235 Filed 9-27-71;8:48 am]

[Docket No. FDC-D-319; NADA Nos. 9-223V and 9-600V]

RALSTON PURINA CO. AND FARM CHEMICALS CO.

Cadmium Salts; Notice of Withdrawal of Approval of New Animal Drug Applications

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of April 29, 1971 (36 F.R. 8073), proposing to withdraw approval of the following preparations which contain cadmium oxide as the active drug ingredient.

1. Purina Pig Wormer and Purina Pig Wormer Concentrate; NADA No. 9-223V; Ralston Purina Co., St. Louis, Mo. 63199.
2. C-O Pig Wormer; NADA No. 9-600V; Farm Chemicals Co., Post Office Box 108, Marion, Ind. 46952.

The Ralston Purina Co. responded to said notice stating that they did not wish to avail themselves of the opportunity for a hearing.

No response was received from the Farm Chemicals Co.

Based on the grounds set forth in the notice of opportunity for hearing, the Commissioner concludes that approval of said new animal drug applications should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under the authority delegated to the Commissioner (21 CFR 2.120), approval of NADA's No. 9-223V and No. 9-600V, including all amendments and supplements thereto is withdrawn effective on the date of publication of this document.

Dated: September 22, 1971.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[FR Doc.71-14238 Filed 9-27-71;8:48 am]

AGRICULTURAL RESEARCH SERVICE

Notice of Filing of Petition for Food Additive Formic Acid

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a food additive petition (MF 3466V) has been filed by the U.S. Department of Agriculture, Agricultural Research Service, Animal Science Research Division, Beltsville, Md. 20705, proposing the establishment of a food additive regulation (21 CFR Part 121, Subpart C) to provide for the safe use of formic acid as a preservative in silage.

Dated: September 22, 1971.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[FR Doc.71-14236 Filed 9-27-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-322]

LONG ISLAND LIGHTING CO. (SHORE-HAM NUCLEAR POWER STATION)

Schedule for Hearing

The hearing in the captioned proceeding will be reopened on Tuesday, November 2, 1971, at 10 a.m., local time, in the Conference Room at the Wagon Wheel, Route 112, Port Jefferson Station, N.Y. 11776.

The agenda for this session will be limited to coverage of emergency core cooling system matters.

Dated at Washington, D.C., this 22d day of September 1971.

For the Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

[FR Doc.71-14252 Filed 9-27-71;8:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23404]

CONDOR FLUGDIENST, G.m.b.H.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on October 5, 1971, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report, served August 20, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 21, 1971.

[SEAL] RICHARD M. HARTSOCK,
Hearing Examiner.

[FR Doc.71-14259 Filed 9-27-71;8:49 am]

[Docket No. 23784; Order 71-9-82]

EASTERN AIR LINES, INC.

Order Dismissing Complaint Regarding Group Inclusive Tour Fares to Florida

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of September 1971.

By tariff¹ marked to become effective October 4, 1971, Eastern Air Lines, Inc. (Eastern), proposes to establish round-trip group inclusive tour fares for groups of 20 or more persons from Boston, Hartford, Providence, and New York to Orlando, Melbourne, Titusville, and Tampa, and return. The fares are \$129.63 from Boston, Hartford, and Providence and \$120.37 from New York during the peak period from December 16, 1971, through April 15, 1972; and \$97.22 from all the northern points during the off-peak period from October 4, 1971, through December 15, 1971, and from April 16, 1972, through September 30, 1972. The discounts from regular round-trip coach fares range from 16 to 21 percent in the peak period and from 32 to 41 percent in the off-peak period. There is a two-night minimum and four-night maximum stay restriction and the tour add-on must be at least \$15. The tariff is marked to expire September 30, 1972.²

In support of its proposal, Eastern asserts that the Florida cities to which the fares apply are the primary areas serving Disney World—an attraction it feels will have significant popular appeal. It further asserts that because its group inclusive tour fares provide a very low total package price, it will be very generative, particularly from lower income groups. Eastern estimates that 80 percent of the traffic utilizing these fares will be newly generated and it anticipates a net increase in passenger revenue of \$63,000 during the initial off-peak period.

Northeast Airlines, Inc. (Northeast), has filed a complaint against Eastern's proposal requesting its suspension and investigation. The thrust of Northeast's complaint is that Eastern's promotional fare program is causing considerable confusion among airline personnel and the

traveling public, and that it is virtually impossible to gauge the potential effect of the instant proposal in view of the great number of reduced fares in the Florida market. It believes that Eastern should be required to justify each new proposal in light of its additive effect after considering dilution caused by any and all prior, effective or pending proposals.

Eastern answers that the fact that it has proposed many discount fares does not constitute an objection to the legality of the instant proposal. It asserts that differentiation among markets requires differential pricing and closely focused discounts.

Upon consideration of the complaint, and answer thereto, the Board finds that the complaint does not set forth sufficient facts to warrant investigation of the proposal and the request therefor, and consequently the request for suspension will be denied and the complaint dismissed.

We are permitting the fares to become effective in view of their limited market application, the fact that the discounts involved are consistent with existing reduced fares in the Florida market, and the generative potential of Disney World. However, as we have previously indicated, we will expect Eastern and other carriers offering these fares to bear the risk of the promotional experiment, and we do not intend to treat any dilution of fare yield which may result as furnishing a basis for future increases in the level of basic fares. We will also expect the carriers to maintain records of traffic, revenues, and expenses sufficient for a full evaluation of the profit impact of this fare plan.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The complaint of Northeast Airlines, Inc., in Docket 23784 is hereby dismissed; and
2. A copy of this order be served upon Eastern Air Lines, Inc., and Northeast Airlines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-14260 Filed 9-27-71;8:49 am]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., AND EVERETT ORIENT LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing

time Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, CA 94108.

Agreement No. 9766-2 modifies Article 1 of the basic transshipment agreement between American Mail Line, Ltd., and Everett Orient Line, Inc., establishing a through billing arrangement for the transportation of cargo from ports of call of American Mail Line, Ltd., in Alaska, Washington, and Oregon, to ports of call of Everett Orient Line, Inc., in Indonesia by adding ports in Korea as other transshipment points.

Dated: September 23, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-14262 Filed 9-27-71;8:50 am]

AMERICAN MAIL LINE, LTD. AND EVERETT ORIENT LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing

¹ Eastern Air Lines, Inc., tariff CAB No. 354.

² This tariff also provides discounts for accompanying children. The issue of the lawfulness per se of discounts for accompanying family members is included in Phase 5 of the Domestic Passenger-Fare Investigation, Docket 21866-5. In the event that the Board there concludes that such fares are unjustly discriminatory, the Board would take appropriate action looking toward the cancellation of such discounts embraced in the instant filing. Accordingly, our determination not to institute an investigation of these fares should not be construed as any prejudgment of the issues in Docket 21866-5.

on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, CA 94108.

Agreement No. 9840-2 modifies Article 1 of the basic transshipment agreement between American Mail Line, Ltd. and Everett Orient Line, Inc. establishing a through billing arrangement for the transportation of cargo from ports of call of Everett Orient Line, Inc. in Indonesia to ports of call of American Mail Line, Ltd. in Alaska, Washington, and Oregon by adding ports in Korea or Singapore as other transshipment points.

Dated: September 23, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 71-14261 Filed 9-27-71; 8:49 am]

**VIRGINIA PORT AUTHORITY AND
PORTSMOUTH TERMINALS, INC.**

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detri-

ment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. Robert Bray, Counsel, Virginia Port Authority, 1600 Maritime Tower, Norfolk, Va. 23510.

The Virginia Port Authority (Authority), as a result of unification with the Portsmouth Port and Industrial Commission (Port), has assumed Agreement No. T-2558, between the Port and Portsmouth Terminals, Inc. (Terminals). The agreement provides for the 10-year lease to Terminals of certain marine terminal facilities at Portsmouth, Va., for operation as a public pier facility. As compensation, Terminals is to pay the Authority rental as set forth in detail in the agreement. Terminals is also required to publish a tariff for services at the facility, subject to prior approval by the Authority.

Dated: September 23, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 71-14263 Filed 9-27-71; 8:50 am]

[Independent Ocean Freight Forwarder
License No. 146]

**R. F. DOWNING & CO., INC. AND
GABRIEL J. FAJARDO, INC.**

Order of Revocation

On August 30, 1971, the Commission received notification that R. F. Downing & Co., Inc. and Gabriel J. Fajardo, Inc., Post Office Box 522, Bowling Green Station, New York, NY 10004 wished to surrender its Independent Ocean Freight Forwarder License No. 146 for cancellation effective immediately.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (Dated September 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License No. 146 of R. F. Downing & Co., Inc. and Gabriel J. Fajardo, Inc. be and is hereby revoked effective August 30, 1971, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon R. F. Downing & Co., Inc. and Gabriel J. Fajardo, Inc.

AARON W. REESE,
Managing Director.

[FR Doc. 71-14264 Filed 9-27-71; 8:50 am]

FEDERAL RESERVE SYSTEM

BANCOHIO CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by BancOhio Corp., which is a bank holding company located in Columbus, Ohio, for prior approval by the Board of Governors of the acquisition by Applicant of not less than 80 percent of the voting shares (exclusive of directors' qualifying shares) of The Niles Bank Co., Niles, Ohio.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

Board of Governors of the Federal Reserve System, September 21, 1971.

[SEAL]

TYNAN SMITH,
Secretary.

[FR Doc. 71-14219 Filed 9-27-71; 8:46 am]

FAMILY FINANCE CORP.

Nonbanking Activities

The Family Finance Corp., Wilmington, Del., has applied, pursuant to section 4(d) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(d)), for an exemption from the provisions of the

Act limiting the nonbanking activities of a bank holding company. The Applicant controls North Shore Bank and Banking Co., Lynn, Mass.

Under section 4(d), the exemption may be granted "(1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests."

Interested persons may express their views on this matter. The application may be inspected in Room 1020 of the Board's building or at the Federal Reserve Bank of Boston. Any request for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 21, 1971.

Board of Governors of the Federal Reserve System, September 21, 1971.

[SEAL]

TYNAN SMITH,
Secretary.

[FR Doc.71-14220 Filed 9-27-71;8:46 am]

FEDERAL TRADE COMMISSION

MODERN ADVERTISING PRACTICES

Notice of Hearing Dates

On August 17, 1971, the Commission gave notice that, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., it will conduct open hearings designed to explore modern advertising practices and their impact on consumers, with special attention to television advertising. Notice of the public hearings and aspects of advertising of current primary interest to the Commission was published in the *FEDERAL REGISTER* on Wednesday, August 25, 1971 (36 F.R. 16698).

In addition to the three hearing dates listed in the above notice, notice is hereby given that the Commission has scheduled additional public hearing dates as follows:

October 22, 28, and 29, 1971; and November 1, 4, 5, 8, 10, 11, 12, 15, 17, and 18, 1971.

By direction of the Commission dated September 14, 1971.

[SEAL]

CHARLES A. TOBIN,
Secretary.

[FR Doc.71-14248 Filed 9-27-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2982]

UNITED BENEFIT LIFE INSURANCE CO., AND UNITED BENEFIT VARIABLE FUND B

Notice of Filing Application Exempting Certain Transactions

SEPTEMBER 21, 1971.

Notice is hereby given that United Benefit Life Insurance Co. (United) and United Benefit Variable Fund B (Fund) (hereinafter collectively referred to as "Applicants"), 3316 Farnam Street, Omaha, NE 68131, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicants from the provisions of sections 17(f) (3) and 27(c) (2) and rule 17f-2 thereunder.

United, a Nebraska stock life insurance company, established the Fund pursuant to Nebraska insurance law on April 28, 1970, as a separate account to offer variable annuity contracts for the purpose of providing retirement benefits. Fund is an open end, diversified management investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Section 17(f) (3) provides, in pertinent part, that a registered management investment company may maintain its securities and similar investments in its own custody, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rule 17f-2 requires, in pertinent part, that all securities and similar investments be deposited in the safekeeping of, or in a vault or other depository maintained by, a bank or other company whose functions and physical facilities are supervised by Federal or State authority, and that access to the securities and similar investments be limited to certain specified persons. Applicants request an exemption from the provisions of section 17(f) (3) and rule 17f-2, (1) to permit custody of the securities and other similar investments of the Fund to be held by United in United's own vaults; and (2) to permit access to the securities of the Fund by (a) not less than two authorized officers or responsible employees from the investment department of United acting jointly, one from a group of six and one from another group of four and by (b) two or more authorized officers and responsible employees of

the Fund from a group of 10 officers and employees thereof authorized by the board of managers.

Applicants represent that United is a substantial insurance company, subject to extensive and detailed supervision and regulation by the Nebraska Director of Insurance. The application also states that the vault maintained by United is comparable to the vaults in most banks, and that United keeps therein securities and other assets in the aggregate amount of approximately \$650 million. United's financial records and affairs are audited annually by independent certified public accountants, and the assets of the Fund will be physically checked and verified at least annually by independent certified public accountants representing the Fund. Applicants assert that access to such securities and other assets by authorized representatives of the Nebraska Director of Insurance and authorized representatives of other State insurance authorities will facilitate the regulatory functions of such authorities and will provide an additional protection for variable annuity contract owners.

Section 27(c) (2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than sales load, are deposited with a bank having the qualifications prescribed in section 26(a) (1) and held by it as trustee or custodian under an indenture or agreement containing, in substance, the provisions required by section 26(a) (2) and (3) for a unit investment trust. Section 26(a) (2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust, places certain restrictions on charges which may be made against the trust income and corpus, and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a) (3) governs the circumstances under which the trustee or custodian may resign.

Applicants request an exemption from the requirements of section 27(c) (2) on the grounds that United is a regulated insurance company, and is subject to extensive and detailed inspection by the Nebraska Insurance Director which provides ample assurance against misfeasance and affords the essential protections which section 26(a) (2) would provide. The assets of the Fund will constitute a separate account of United which under Nebraska law cannot be charged with liabilities other than those arising out of the contracts which participate in the Fund. In addition, under Nebraska law the contractual obligations of United to the participants cannot

be abandoned until the obligations of the trustee have been discharged.

Applicants have consented that the requested exemption from section 27(c) (2) be subject to the conditions that (1) the deductions under the variable annuity contracts for administrative expenses shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose; and (2) the payment of sums and charges out of the assets of the Fund shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the consent of Applicants to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of the assets of the Fund other than charges for administrative services. Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) authorizes the Commission, conditionally or unconditionally, to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title.

Notice is hereby given that any interested person may, not later than October 12, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted; or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.71-14216 Filed 9-27-71;8:45 am]

[70-5083]

ALLEGHENY POWER SYSTEM, INC.

Notice of Proposed Surety Bond by Holding Company

SEPTEMBER 22, 1971.

Notice is hereby given that Allegheny Power System, Inc., 320 Park Avenue, New York, NY 10022 (Allegheny), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Allegheny proposes to act as surety for its electric utility subsidiary company, the Potomac Edison Co. (Edison), pursuant to an order of the Public Service Commission of West Virginia (West Virginia Commission) in connection with placing into effect new rates prior to completion of an investigation by the West Virginia Commission with respect thereto. On May 28, 1971, Edison filed with the West Virginia Commission new increased rates for electric service in West Virginia. By order dated June 9, 1971, the West Virginia Commission suspended those rates for the statutory period of 120 days pending its investigation of such rates. The new rates can be made effective on and after October 25, 1971, subject to the posting by Edison of an appropriate bond to assure the making of appropriate refunds to its customers in the event the West Virginia Commission's final order in the proceeding should require refunds to be made and provided that the rate increase is not prohibited by Executive Order 11615. The West Virginia Commission has indicated that it would permit Allegheny to become a surety for Edison in lieu of Edison's posting a bond. It is expected that the amount of the bond will not exceed \$1,250,000, which is the estimated additional annual revenue under the new rates. Allegheny desires to consummate the proposed transactions in order to save Edison the cost of the statutory bond.

It is stated that no fees, commissions, or other expenses are expected to be paid or incurred by Allegheny or any associate company in connection with the proposed transaction and that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than Octo-

ber 14, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.71-14253 Filed 9-27-71;8:49 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 850;
Class B]

LOUISIANA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of September 1971, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Louisiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms

whose property, situated in all areas affected by hurricane Edith in the aforesaid State, suffered damage or destruction resulting from floods and high winds occurring on September 16, 1971.

OFFICE

Small Business Administration District Office,
124 Camp Street,
New Orleans, LA 70130.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1972.

Dated: September 20, 1971.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.71-14222 Filed 9-27-71;8:46 am]

[Declaration of Disaster Loan Area 849;
Class B]

PENNSYLVANIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of September 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of Pennsylvania;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Montgomery and Delaware Counties, Pa., and adjacent areas, suffered damage or destruction resulting from floods occurring on September 10-13, 1971, and continuing.

OFFICE

Small Business Administration Regional Office, 1 Decker Square, East Lobby, Suite 400, Bala Cynwyd, PA 19004.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to March 31, 1972.

Dated: September 15, 1971.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.71-14221 Filed 9-27-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER, 23, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42280—*Salt from Stafford, Texas*. Filed by Southwestern Freight Bureau, Agent (No. B-261), for interested rail carriers. Rates on salt, in carloads, as described in the application, from Stafford, Tex., to points in Illinois Freight Association, southern southwestern and western trunkline territories. Grounds for relief—market competition.

Tariffs—Supplements 95, 101, and 8 to Southwestern Freight Bureau, Agent, tariffs I.C.C. 4461, 4430, and 4946, respectively.

Rates are published to become effective on November 5, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-14254 Filed 9-27-71;8:49 am]

[Notice 369]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 22, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 43038 (Sub-No. 447 TA), filed September 14, 1971. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, MI 48174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, complete or not complete, set up or not set up, and *parts and accessories* moving in connection with shipments thereof in secondary movements, in truckaway service, from Salt Lake City, Utah to points in Idaho and Oregon, for 180 days. Supporting shipper: International Harvester Co., 401 North Michigan Avenue, Chicago, IL 60611. Send protests to: District Supervisor Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 59292 (Sub-No. 28 TA), filed September 13, 1971. Applicant: THE MARYLAND TRANSPORTATION COMPANY, 1111 Frankfort Avenue, Baltimore, MD 21225. Applicant's representative: C. J. Braun, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, from South Fork, Pa., to Baltimore, Md., *damaged or rejected material on return*, for 180 days. Supporting shipper: Mr. N. R. White, Swank Refractories, 101 Swank Court, Johnstown, Pa. 15902. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 110988 (Sub-No. 277 TA), filed September 13, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representative: David A. Peterson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Encapsulated dye*, liquid, in bulk, from Decatur, Ala., to Nekeosa, Wis., for 180 days. Supporting shipper: Minnesota Mining and Manufacturing Co. (3M Company) 3M Center, St. Paul, MN 55101 (K. A. Kumm, Manager, Transportation Operations). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 119493 (Sub-No. 79 TA), filed September 13, 1971. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and animal feed*, from points in Crawford County, Ark., to points in Arkansas, Iowa, Illinois, Louisiana, Mississippi, Missouri,

Kansas, Nebraska, Oklahoma, North Dakota, South Dakota, Alabama, California, Colorado, Georgia, Tennessee, and Texas, for 180 days. Supporting shipper: Allen Canning Co., 305 East Main Street, Post Office Box 250, Siloam Springs, AR 72761. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 125747 (Sub-No. 4 TA), filed September 10, 1971. Applicant: ARNOLD SCHMITZ, INC., 1724 East Pioneer Road, Fond du Lac, WI 54935. Applicant's representative: William J. Nuss, 104 South Main Street, Fond du Lac, WI 54935. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and other products* of Borden, Inc., from West Allis, Wis., to points in Menominee County, Mich., for 180 days. Supporting shipper: Borden, Inc., Dairy & Services Division, 1540 South 108th Street, Post Office Box 2600, Milwaukee, WI 53214 (M. S. Quinsland, Administrative Assistant). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 134599 (Sub-No. 27 TA), filed September 13, 1971. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Salt Lake City, UT 84110. Office: 265 West 27th South (84115). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sponge rubber carpet cushion*, from Thomason, Ga., and its commercial zone, to points in Arizona, California, Oregon, and Washington, under continuing contract with Uniroyal, Inc., its Divisions and Subsidiaries, for 180 days. Supporting shipper: Uniroyal, Inc., J. R. Frost, Director of Traffic, Oxford Management and Research Center, Middlebury, Conn. 06749. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 134922 (Sub-No. 18 TA), filed September 13, 1971. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AK 72118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products and frozen non-dairy milk and cream substitutes*, from Appleton, Wis., to points in Oklahoma and Texas, for 180 days. Supporting shipper: Elm Tree Frozen Foods, Division of Rich Products Corp., 3300 West

College Avenue, Appleton, Wis. 54911. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AK 72201.

No. MC 135983 (Sub-No. 1 TA), filed September 10, 1971. Applicant: CLYDE G. CLIFT, Graysville, Ohio 45734. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbon block cathodes for aluminum reduction, in dump trucks*, from Sistersville, W. Va., to Waverly, Tenn., and (2) *"Pot lining" (carbon cathode residue), in dump trucks*, from Waverly, Tenn., to Hannibal, Ohio, on return, for 180 days. Supporting shipper: Precision, Inc., 435 Burt Street, Sistersville, WV 26175. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, W. Va. 26003.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Dec.71-14255 Filed 9-27-71;8:49 am]

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

[illegible]

14 CFR—Continued

Page

PROPOSED RULES:

| | |
|------|---|
| 1 | 19091 |
| 36 | 18584 |
| 39 | 17512, 18476, 18532, 18800, 18801 |
| 71 | 17513, 17588, 17589, 17653-17655, 17876, 18109, 18110, 18214, 18476, 18533, 18751, 18801, 18802, 18872, 19036, 19037, 19092 |
| 73 | 17876 |
| 121 | 18802 |
| 135 | 18425 |
| 202 | 18111 |
| 207 | 17655 |
| 208 | 17655 |
| 212 | 17655 |
| 214 | 17655, 18754 |
| 249 | 18754 |
| 372 | 17655 |
| 1241 | 18221 |

15 CFR

| | |
|-----|-------|
| 373 | 18640 |
|-----|-------|

PROPOSED RULES:

| | |
|---|-------|
| 7 | 18095 |
|---|-------|

16 CFR

| | |
|-----|---------------------------------|
| 1 | 18788 |
| 13 | 17982-17995, 18515-18524, 19012 |
| 252 | 18078 |

PROPOSED RULES:

| | |
|-----|-------|
| 435 | 19092 |
|-----|-------|

17 CFR

| | |
|-----|-------|
| 201 | 19077 |
| 240 | 18641 |

PROPOSED RULES:

| | |
|-----|----------------------------|
| 1 | 18000, 18870, 19081 |
| 230 | 18586, 18592, 18593, 19042 |
| 239 | 18586, 18592, 18593 |
| 240 | 19042 |
| 249 | 18594 |
| 250 | 19042 |
| 270 | 19042 |
| 275 | 19042 |

18 CFR

| | |
|-----|---------------------|
| 2 | 17576, 18373, 18643 |
| 141 | 18947 |

PROPOSED RULES:

| | |
|-----|-------|
| 2 | 18221 |
| 154 | 18323 |
| 157 | 18323 |
| 260 | 17665 |
| 601 | 18477 |

19 CFR

| | |
|-----|-------|
| 1 | 18304 |
| 4 | 18949 |
| 12 | 18859 |
| 153 | 19013 |

PROPOSED RULES:

| | |
|----|-------|
| 1 | 17579 |
| 6 | 18582 |
| 14 | 19081 |
| 19 | 18410 |
| 24 | 17653 |

20 CFR

| | |
|-----|-------|
| 405 | 18643 |
| 422 | 18948 |

PROPOSED RULES:

| | |
|-----|-------|
| 405 | 18696 |
|-----|-------|

21 CFR

Page

| | |
|------|---|
| 1 | 18377 |
| 3 | 18377 |
| 121 | 18377, 19077, 19078 |
| 130 | 18378 |
| 132 | 18378 |
| 133 | 18378 |
| 135 | 18378, 18726 |
| 135a | 18078 |
| 135b | 18726 |
| 135c | 18726, 18787 |
| 141 | 19013 |
| 141a | 17644 |
| 141c | 17645 |
| 144 | 18394, 19078 |
| 146 | 18395 |
| 146a | 17644, 18395 |
| 146c | 17645 |
| 148w | 19013 |
| 191 | 17645, 18643 |
| 301 | 18728 |
| 302 | 18731 |
| 303 | 18731 |
| 304 | 18731 |
| 305 | 18732 |
| 306 | 18732 |
| 307 | 18733 |
| 308 | 18733 |
| 311 | 18734 |
| 420 | 17646, 18078-18080, 18174, 18175, 19079 |

PROPOSED RULES:

| | |
|------|--------------|
| 3 | 18098, 18871 |
| 19 | 18800 |
| 27 | 18098 |
| 31 | 18098 |
| 121 | 19089 |
| 125 | 18098 |
| 146a | 17653 |
| 146e | 17653 |
| 295 | 17512, 18012 |
| 301 | 18582 |
| 308 | 18582, 18749 |

22 CFR

| | |
|----|-------|
| 41 | 17496 |
| 46 | 18643 |

24 CFR

| | |
|---------|-----------------------------------|
| 4 | 17496 |
| 201 | 18788 |
| 241 | 17506 |
| Ch. III | 18525, 18952, 19018 |
| 1909 | 18176 |
| 1910 | 18179 |
| 1911 | 18182 |
| 1912 | 18184 |
| 1913 | 18185 |
| 1914 | 17647, 18185, 18463, 18644, 19019 |
| 1915 | 17648, 18186, 18464, 18645, 19020 |

PROPOSED RULES:

| | |
|-----|-------|
| 207 | 18583 |
| 221 | 18583 |

26 CFR

| | |
|-----|---------------------|
| 1 | 18788, 18791, 18950 |
| 13 | 18788 |
| 250 | 19017 |
| 251 | 19017 |

PROPOSED RULES:

| | |
|-----|---|
| 1 | 17863, 18012, 18214, 18316, 18667, 18750, 18870 |
| 13 | 18012, 18214 |
| 211 | 19033 |
| 301 | 18677, 19035 |

28 CFR

Page

| | |
|-----|--------------|
| 21 | 17506 |
| 51 | 18186 |
| 201 | 18280, 18952 |

29 CFR

| | |
|------|-------|
| 1903 | 17850 |
| 1910 | 18030 |
| 1911 | 17506 |

PROPOSED RULES:

| | |
|------|-------|
| 12 | 18007 |
| 520 | 18871 |
| 601 | 19037 |
| 606 | 19037 |
| 613 | 19037 |
| 616 | 19037 |
| 670 | 19037 |
| 675 | 19037 |
| 677 | 19037 |
| 678 | 19037 |
| 688 | 19037 |
| 689 | 19037 |
| 690 | 19037 |
| 720 | 19037 |
| 727 | 19037 |
| 1518 | 19083 |
| 1910 | 19083 |

30 CFR

PROPOSED RULES:

| | |
|-----|-------|
| 270 | 18800 |
| 400 | 17546 |

31 CFR

| | |
|-----|-------|
| 202 | 17995 |
| 203 | 17996 |

32 CFR

| | |
|------|-------|
| 166 | 18464 |
| 186 | 17996 |
| 199 | 17508 |
| 214 | 18861 |
| 1451 | 18395 |
| 1452 | 18395 |
| 1453 | 18395 |
| 1459 | 18395 |
| 1460 | 18395 |
| 1461 | 18396 |
| 1466 | 18396 |
| 1472 | 18396 |
| 1474 | 18396 |
| 1475 | 18396 |
| 1476 | 18397 |
| 1477 | 18397 |
| 1498 | 18397 |
| 1710 | 18174 |
| 1802 | 18861 |

PROPOSED RULES:

| | |
|------|-------|
| 1467 | 19093 |
|------|-------|

32A CFR

OEP (Ch. D):

| | |
|-----------|--------------|
| ES Reg. 1 | 17651, 19029 |
| Circ. 6 | 17510 |
| Circ. 7 | 17577 |
| Circ. 8 | 17651 |
| Circ. 9 | 17861 |
| Circ. 10 | 17998 |
| Circ. 11 | 18314 |
| Circ. 12 | 18471 |
| Circ. 13 | 18528 |
| Circ. 14 | 18654 |
| Circ. 15 | 18867 |
| Circ. 16 | 19030 |
| Circ. 101 | 18739 |

32A CFR—Continued

Page

PROPOSED RULES:

Ch. X..... 18084, 18750

33 CFR

92..... 18526

117..... 17854,

17855, 18526, 18527, 18861, 18952

204..... 19020, 19079

205..... 19020

208..... 17996

209..... 17855

PROPOSED RULES:

117..... 18531

209..... 18798

35 CFR

5..... 17509

36 CFR

211..... 18794

37 CFR**PROPOSED RULES:**

2..... 18002

38 CFR

0..... 18953

2..... 19020

3..... 19020

6..... 17855

8..... 17855

13..... 19021

17..... 18794

21..... 18304

36..... 18195

39 CFR

262..... 18465

41 CFR

1-1..... 17509, 18397

5A-1..... 17576, 18528, 18861

5A-2..... 18735

5A-72..... 17856

5A-76..... 17576

8-1..... 18174

8-7..... 18174

8-12..... 18578

8-16..... 18174

9-5..... 17576

9-7..... 18794

14-1..... 18305

14-2..... 18305

14-3..... 18305

14-7..... 18306

14-30..... 18306

50-250..... 18398

101-19..... 17648

114-25..... 19026

114-26..... 17996

114-27..... 19026

114-47..... 17509

PROPOSED RULES:

14-7..... 18531

42 CFR

37..... 17577

59..... 18465

59a..... 18306

73..... 18795

78..... 18645, 18646

458..... 18622

42 CFR—Continued

Page

459..... 18622

460..... 18622

461..... 18625

462..... 18625

463..... 18626

464..... 18626

465..... 18628

PROPOSED RULES:

75..... 19089

466..... 17514

43 CFR

2800..... 18953

2810..... 18953

PUBLIC LAND ORDERS:

1120 (revoked in part by PLO

5128)..... 19027

1229:

Modified by PLO 5125..... 18648

Modified by PLO 5132..... 19029

2578 (modified by PLO 5117)..... 18580

3529 (revoked by PLO 5130)..... 19028

3795 (see PLO 5126)..... 19027

3815 (revoked by PLO 5130)..... 19028

4096 (revoked by PLO 5130)..... 19028

4116 (revoked by PLO 5130)..... 19028

4582 (see PLO 5112)..... 18579

4651 (revoked by PLO 5110)..... 18578

4962 (see PLO 5112)..... 18579

5044 (corrected by PLO 5118)..... 18580

5065 (corrected by PLO 5113)..... 18579

5069 (corrected by PLO 5120)..... 18580

5072 (amended by PLO 5129)..... 19028

5081 (see PLO 5112)..... 18579

5107..... 18470

5110..... 18578

5111..... 18578

5112..... 18579

5113..... 18579

5114..... 18579

5115..... 18580

5116..... 18646

5117..... 18580

5118..... 18580

5119..... 18580

5120..... 18580

5121..... 18647

5122..... 18648

5123..... 18648

5124..... 18648

5125..... 18648

5126..... 19027

5127..... 19027

5128..... 19027

5129..... 19028

5130..... 19028

5131..... 19028

5132..... 19029

PROPOSED RULES:

3000..... 18799

3045..... 18799

3104..... 18799

3200..... 18799

45 CFR

15..... 18838

PROPOSED RULES:

15..... 18800

116..... 18500

252..... 18106

46 CFR**PROPOSED RULES:**

281..... 19081

46 CFR—Continued

Page

PROPOSED RULES—Continued

543..... 19092

503..... 18214

510..... 18214

543..... 18214

47 CFR

0..... 18649

2..... 18307

13..... 18649

21..... 18652

63..... 18307

73..... 18308, 18652

89..... 18080, 18652, 18653

91..... 18080, 18652

93..... 18080, 18652

PROPOSED RULES:

1..... 17589, 18873

2..... 18660

15..... 17589, 18656

21..... 18660

73..... 18657,

18661, 18664, 18665, 18873, 19040

81..... 18660

87..... 18660

89..... 18660, 18873

91..... 18660, 18873, 19010

93..... 18660, 18873

49 CFR

171..... 17649, 18468

172..... 18468

173..... 18468

174..... 18468

177..... 18468

178..... 18468

179..... 18468

192..... 18191

Ch. III..... 17845, 18400

392..... 18862

393..... 18400, 18862

395..... 18100

397..... 18170

571..... 18402, 19029

574..... 18581

601..... 18402

1033..... 18403, 18528, 18054, 18055

1048..... 18735, 18736

1104..... 18309

1201..... 17847

PROPOSED RULES:

179..... 18873

391..... 18426

393..... 17513, 18126

571..... 19037

575..... 18751

1048..... 17514

50 CFR

10..... 17565, 17857, 19070

25..... 17997

26..... 17998

28..... 17858, 18865, 18866

29..... 17998

31..... 17998

32..... 17510,

17569-17572, 17650, 17651, 17858-

17861, 18195-18197, 18313, 18314,

18404, 18470, 18471, 18530, 18581,

18737, 18797, 18866, 18867, 19080

33..... 17572, 17998

260..... 18738

PROPOSED RULES:

32..... 18473

LIST OF FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

| <i>Pages</i> | <i>Date</i> | <i>Pages</i> | <i>Date</i> | <i>Pages</i> | <i>Date</i> |
|------------------|-------------|------------------|-------------|------------------|-------------|
| 17477-17549----- | Sept. 1 | 18167-18281----- | Sept. 10 | 18707-18770----- | Sept. 21 |
| 17551-17636----- | 2 | 18283-18357----- | 11 | 18771-18842----- | 22 |
| 17637-17805----- | 3 | 18359-18446----- | 14 | 18843-18936----- | 23 |
| 17807-17972----- | 4 | 18447-18502----- | 15 | 18937-18995----- | 24 |
| 17973-18051----- | 8 | 18503-18567----- | 16 | 18997-19054----- | 25 |
| 18053-18165----- | 9 | 18569-18628----- | 17 | 19055-19107----- | 28 |
| | | 18629-18705----- | 18 | | |

